



STATE OF MICHIGAN

JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

**Board of Mechanical Rules  
Okemos Office Building  
2501 Woodlake Circle  
Conference Room 3  
First Floor  
Okemos, Michigan  
September 17, 2008  
9:00 a. m.**

**- A G E N D A -**

1. Call to Order and Determination of Quorum Chairperson
2. Approval of July 16, 2008 Minutes(page 3-7) Chair person
3. Applicants for Registration (page 8) T. Barry  
Frederick H. Cook
4. Examination Appeal T Barry  
Document M-08-16 – David Sexton(page 9-26)
5. Request to Appear Before the Board T Barry  
Document M-08-17 – David Rudy(page 27-37)
6. Product Approval T. Barry  
Document M-08-18 – Excelamerica, GasFlex(page 38-49)  
Document M-08-19 – Omega Flex, Counter Strike(page 50-54)  
Document M-08-20 – Omega Flex, Omega Flex Trac PS II (page 55-66)

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Board of Mechanical Rules

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September 17, 2008

7. Old Business

Document M-08-11 – Robert Walker (tabled 07/16/08)(page 67-79) Chairperson

8 New Business

Chairperson

Proposed Board Meeting Dates for 2009(page 80)

9 Legislative Report

T. Barry

10. Public Comment

Chairperson

11. Adjournment

Chairperson

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Claudia Tenny at 517/241-9325 at least (10) working days before the event.



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LANSING

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**BOARD OF MECHANICAL RULES  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
BUREAU OF CONSTRUCTION CODES**

Conference Room 3  
2501 Woodlake Circle  
Okemos, Michigan 48864

**MINUTES**

July 16, 2008  
9:00 a.m.

**MEMBERS PRESENT**

Mr. H. Edward Bartram  
Mr. Robert Jagenberg  
Mr. Patrick Maher  
Mr. Mark Mangione  
Mr. Gregory Parker  
Mr. George B. Shields  
Mr. Christopher Stockwell  
Mr. Charles Wash

**MEMBERS ABSENT**

Mr. Joseph Connors  
Mr. Lawrence Hale II  
Mr. Charles Inman  
Mr. Michael Ogletree  
Mr. William Steele  
Mr. Gary VanOchten

**DRAFT**

**MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH PERSONNEL  
ATTENDING**

Mr. Tension B. Barry, Chief, Mechanical Division, Bureau of Construction Codes  
Ms. Claudia Tenny, Secretary, Mechanical Division, Bureau of Construction Codes  
Ms. Beth Aben, Deputy Director, Bureau of Construction Codes  
Mr. Kevin Kalakay, Assistant Chief, Mechanical Division, Bureau of Construction Codes  
Mr. Scott Fisher, OLGCS, Bureau of Construction Codes  
Mr. Rory Ward, State Mechanical Inspector

**OTHERS IN ATTENDANCE**

Ronald Kowalski  
Thomas Ballard  
Robert Walker  
Jack Berry, Midwest Church Design, Ltd.  
Don Dornbush, Meridian Christian Church  
Mr. Lynn Briggs

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1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

Mr. Robert Jagenberg, Chairperson, called the meeting to order at 9:00 a.m. Roll was called and a quorum was determined.

2. **APPROVAL OF MINUTES**

Mr. Bartram made a **MOTION** to approve the minutes of the May 14, 2008 meeting, seconded by Mr. Mangione. **MOTION CARRIED.**

3. **APPLICANT FOR REGISTRATION**

Mr. Bartram made a **MOTION** to approve the following for registration as Mechanical inspector, seconded by Mr. Shields. **MOTION CARRIED.**

Jonathan E. Dolbee

George W. Martin III

Richard G. Wight

2. **SETTLEMENT AGREEMENTS**

BCC Complaint No. 08-0040-M, Bureau of Construction Codes vs. Stewart G. Nunnelley. Mr. Barry reviewed the details of the Settlement Agreement regarding Stewart Nunnelley. Mr. Scott Fisher, OLGCS, answered questions from various Board Members related to the submitted agreement. A **MOTION** was made by Mr. Parker and seconded by Mr. Stockwell to approve the Settlement Agreement, 1) Respondent's mechanical contractor license shall be revoked; 2) Respondent will not apply for renewal of his mechanical contractor license for a period of seven (7) years and will, at that time, be required to pass all new licensing examinations in order to qualify for a license renewal; 3) Respondent will not pay a CIVIL FINE to the State of Michigan. **MOTION CARRIED.**

BCC Complaint No. 05-0445-M, Bureau of Construction Codes vs. Daniel E. "Dan" Hogan, d/b/a Hogan Plumbing & Heating. Mr. Scott Fisher, OLGCS, reviewed the details of the Settlement Agreement regarding Daniel "Dan" Hogan and answered questions from various Board Members related to the agreement. Mr. Barry also answered questions related to the agreement. A **MOTION** was made by Mr. Bartram and seconded by Mr. Shields to approve the Settlement Agreement, 1) Respondent Daniel E. "Dan" Hogan's mechanical contractor license shall be PERMANENTLY REVOKED. Respondent further agrees that he will not

## Board of Mechanical Rules

Page 3

July 16, 2008

make application in the future to become licensed as a Mechanical Contractor or practitioner in the mechanical field in the State of Michigan. 2) Respondent Daniel E. "Dan" Hogan shall pay a CIVIL PENALTY to the State of Michigan, in the amount of \$2,000. 3) Respondent and/or Hogan Plumbing shall pay \$500 of the above stipulated civil penalty within 30 days from the date of this agreement. The remainder of the civil penalty or \$1,500 shall be paid within one year from the date of this agreement with \$750 being paid within 6 months from the date of this agreement and with the remaining \$750 being paid within 12 months from the date of this agreement. **MOTION CARRIED.**

### 5. EXAMINATION APPEALS

Document M-08-13 Ronald Kowalski. Mr. Kowalski appeared before the Board to appeal the denial of his application for Mechanical Contractor Licensing Examination in #5, Limited heating service. Mr. Barry explained the basis of the denial. Mr. Kowalski discussed his work experience and answered questions from various Board Members. A **MOTION** was made by Mr. Bartram and seconded by Mr. Parker to table the appeal to allow Mr. Kowalski to submit additional work experience information. **MOTION CARRIED.**

Document M-08-14 Thomas Ballard. Mr. Ballard appeared before the Board to appeal the denial by staff of his application for Mechanical Contractor Licensing Examination. Mr. Barry explained the basis of the denial and Mr. Ballard related his work experience and answered questions from various Board Members. A **MOTION** was made by Mr. Wash and seconded by Mr. Bartram to accept staff recommendation to deny appeal. **MOTION CARRIED.**

### 6. REQUEST TO APPEAR BEFORE THE BOARD

Document M-08-11 Robert Walker. Mr. Walker appeared before the Board to appeal the denial by staff for Mechanical Contractor Licensing Examination pursuant to the Former Offenders Act, 1974 PA 381. Mr. Barry reviewed the basis of the denial. Mr. Walker answered questions from various Board Members. A **MOTION** was made by Mr. Parker and seconded by Mr. Maher to table the appeal to allow Mr. Walker to submit appropriate documentation. **MOTION CARRIED.**

Document M-08-15 Michael Ruhl. Mr. Ruhl did not appear before the Board to request reconsideration of the Board denial of his application for Mechanical Contractor Licensing Examination. A **MOTION** was made by Mr. Parker and seconded by Mr. Bartram to deny reconsideration of the Board decision to deny his appeal. **MOTION CARRIED.**

7. **APPEAL HEARING**

Appeal Document CCC-MECH 08-007 Midwest Church Design; Ltd, Jack Berry, Petitioner vs. Bureau of Construction Codes, Respondent. All present offering testimony were sworn in.

The Board heard the appeal and response and their decision was that the installation of two ranges without a hood is in violation of MMC Section 507.2.2 as there is not an exception that is applicable. The Bureau of Construction Codes made no error in the interpretation and application of the Michigan Mechanical Code and a compelling argument of practical difficulty or alternative compliance was not made. Therefore, it is ordered that the request for relief from the requirements of 507.2.2 be denied and there should be, at a minimum, a type 2 hood.

8. **OLD BUSINESS**

Document M-07-30 Reginald T. McKinney (tabled 11/14/07, 01/23/08, 3/19/08, 05/14/08)

A **MOTION** was made by Mr. Bartram and seconded by Mr. Mangione to remove the item from the table. **MOTION CARRIED.** Mr. Fisher addressed the Board regarding the issues involved in the Recommendation of the Administrative Law Judge. There was discussion among Board Members regarding the issues. A **MOTION** was made by Mr. Mangione and seconded by Mr. Bartram to again table this matter. **MOTION CARRIED.**

9. **NEW BUSINESS**

Ms. Beth Aben informed the Board that Friday, July 11, 2008 was Mr. Henry Green's last day with the Bureau and that he would be moving to Washington, D.C. as President/Director of National Institute of Building Sciences. The Bureau is in the process of filling Mr. Green's position but there is no final approval at this point. The Board will be informed of a retirement party honoring Mr. Green later this year.

10. **LEGISLATIVE REPORT**

Mr. Barry discussed a change in the Boiler Law to allow mechanical contractors to install residential boilers, 5 families or less. Contractor must have the license classifications of #1, hydronic heating & cooling and process piping. The Mechanical Exam is being changed to include questions related to boiler installation.

**Board of Mechanical Rules**

**Page 5**

**July 16, 2008**

**11. PUBLIC COMMENT**

Mr. Lynn Briggs reported that he spoke with the legislative liaison for the Department of Labor and Economic Growth and it does not appear that legislation regarding the Forbes Act will be introduced until the next session of the legislature. It is hoped a final draft will be forthcoming.

Mr. Briggs also addressed the issue of fee structure for the Bureau, various members of the industry testified at numerous hearings; however, the bill is still in the Appropriations Committee. This should be handled in the fall session.

**12. ADJOURNMENT**

A **MOTION** was made by Mr. Shields and seconded by Mr. Bartram to adjourn the meeting.  
**MOTION CARRIED.**

Next Board of Mechanical Rules Meeting September 17, 2008

**DRAFT**

**APPROVED**

**DATE**

Mr. Robert Jagenberg, Chairperson

**Document #08-67e**

**MECHANICAL INSPECTORS**

**09/17/08 bmr**

**11/05/08 ecc**

COOK, Frederick H.  
Contractor's License #7109446 (1/1990)  
Classifications 1, 2, 3, & 6  
8,000+ hours HVAC  
Additional Inspector  
Leelanau County



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 4, 2008

M-08-16

TO: Members of the Board of Mechanical Rules  
FROM: Tennison B. Barry, Chief, Mechanical Division  
SUBJECT: Appeal Request for Examination

**APPLICANT REPRESENTATIVE:**

David Sexton

**PROJECT:**

Not applicable.

**AUTHORITY:**

The Forbes Mechanical Contractors Act, 1984 PA 192 of the Michigan Compiled Laws

**REQUEST:**

Mr. Sexton is requesting to sit for the Mechanical Contractors Examination in the classifications of HVAC, Limited heating service, and Limited refrigeration service.

**APPLICABLE RULE:**

R 338.903a of the Board of Mechanical Rules License Examination Procedures

**FINDINGS:**

Mr. Sexton's application does not fully document his experience. Additionally, his application has not been signed by the contractor of record of Answer Heating and Cooling.

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Mr. Sexton has a Class B Air Conditioning and Refrigeration Contractors License issued by the State of Texas. However, it is not clear if the requirements of obtaining that license are equivalent to the requirements of the State of Michigan.

**RECOMMENDATION:**

Based on the fact that Mr. Sexton does not have the experience as required by Act 192 it is the recommendation of staff to deny this request.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 2, 2008

Mr. David A. Sexton  
3177 Yorkshire Dr  
Bay City, MI 48706

Dear Mr. Sexton:

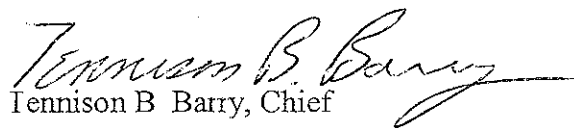
On September 17, 2008, the Board of Mechanical Rules will hear your appeal of the denial by staff for Mechanical Contractor License Examination.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

  
Tennison B. Barry, Chief  
Mechanical Division

TBB/cct

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RECEIVED

**Application for Mechanical Contractor License Examination**  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Mechanical Division  
P O Box 30255, Lansing, MI 48909  
517-241-9325

JUL 21 2008 <sup>127</sup>

www.michigan.gov/bcc

**Application Fee: \$25.00 (nonrefundable)**

Authority: 1984 PA 192	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
Completion: Mandatory	
Penalty: License will not be issued	

Iran Info: 127 14153152-1 02/19/08  
Chk#: 1278 Amt: \$25.00  
ID: DAVID SEXTON

**Instructions:**

- Complete and sign application. Type or print in ink.
- Application must be received in the Bureau office not less than 20 working days before next scheduled exam.
- P.A. 236 of 1996, as amended, requires an applicant to include his or her social security number. However, a requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances.
  - This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.
- Enclose a check made payable to the **State of Michigan**.
- Mail completed application and fee to the address above.

<b>Applicant Information</b>				CONTRACTOR LICENSE NUMBER - LICENSE UPGRADE ONLY 71 -	
NAME (Last First Middle) No Initials Sexton, David, Alvin				DATE OF BIRTH	
ADDRESS 3177 Yorkshire Dr.		CITY Bay City	COUNTY Bay	STATE MI	48706
SOCIAL SECURITY NUMBER				TELEPHONE NUMBER (Include Area Code)	

**Work Classifications** (Check work classifications for which you are seeking licensure)

<input type="checkbox"/> <b>1. Hydronic heating and cooling and process piping.</b> (Means the application of equipment and systems which provide air conditioning by the controlled forced circulation of fluids or vapors in pipes.)	<input type="checkbox"/> <b>6. Unlimited heating service.</b> (Means the servicing of heating equipment and systems without restrictions concerning thermal capacity or grade of fuel oil or type of fuel.)
<input checked="" type="checkbox"/> <b>2. HVAC equipment.</b> (Means the application of equipment and systems to provide air conditioning for occupants of buildings and structures. HVAC does not include the installation of portable self-contained refrigeration equipment and window type air conditioners of not more than 1 1/2 horsepower.)	<input checked="" type="checkbox"/> <b>7. Limited refrigeration and air conditioning service.</b> (Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited capacity utilizing group one refrigerants as listed in the Michigan Mechanical Code.)
<input type="checkbox"/> <b>3. Ductwork.</b> (Means the air distribution arrangement for supply, return and exhaust in air conditioning systems and in non-air conditioning systems, the materials and methods of which are specified in the Michigan Mechanical Code. Ductwork includes flues, vents and chimneys.)	<input type="checkbox"/> <b>8. Unlimited refrigeration and air conditioning service.</b> (Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited as to thermal capacity or type of refrigerant.)
<input type="checkbox"/> <b>4. Refrigeration.</b> (Means the use of equipment and systems including refrigeration piping, employing the refrigeration cycle to generate low temperatures for other than air condition equipment and systems. Refrigeration includes such equipment and systems as supermarket refrigeration, industrial refrigeration, the preservation of biological materials and food storage facilities. Refrigeration does not include the installation of portable self-contained units such as refrigerators, dehumidifiers and other similar equipment of not more than 1.5 horsepower or other equipment exempted from the Michigan Mechanical Code.)	<input type="checkbox"/> <b>9. Fire Suppression.</b> (Means the integrated combination of a fire alarm system and fire suppression equipment which as a result of predetermined temperature rate of temperature rise products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area.)
<input checked="" type="checkbox"/> <b>5. Limited heating service.</b> (Means the servicing of gas-designed sectional boilers having inputs of not more than 1 million Btu's, utilizing a combustion safeguard designed to shut off the main gas supply 10 or less seconds after pilot flame failure, and all other gas-fired or solid fuel equipment and systems limited to input ratings of less than 400,000 Btu's per unit; or oil-fired equipment and systems designed for the use of number 1 or number 2 fuel oil having a maximum firing rate of less than five gallons per hour per unit; or electrical furnaces and electric boilers using the same kilowatts that are equivalent to the fossil fuel British thermal units generated.)	<input type="checkbox"/> <b>10. Specialty License.</b> (Means a license to perform work within limits established by the board in one of the work classifications set forth below for the installation and servicing of.)

- ☐ a Solar
- ☐ b Solid fuel.
- ☐ c LP tank and pipe.
- ☐ d Underground tank and pipe
- ☐ e Gas piping
- ☐ f Gas piping and venting

### Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME Answer Heating & Cooling			DATES EMPLOYED (Month / Day / Year) FROM: 12/2005 TO: 6/2008	
ADDRESS 8490 Midland Rd.			TYPE OF WORK PERFORMED <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input type="checkbox"/> Industrial Hours per week _____	
CITY Freeland	STATE MI	ZIP CODE 48623		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications) Residential and light commercial service and repair				
<b>Employer Complete The Following</b>				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me, this _____ day of _____, 20____	
SIGNATURE OF CONTRACTOR OF RECORD		DATE	a Notary Public in and for _____ County, Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials)			Signature of Notary Public _____	
LICENSE NUMBER		TELEPHONE NUMBER (Include Area Code)	My Commission expires: _____, 20____	

### Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME Sexton Air Conditioning, Self Employed			DATES EMPLOYED (Month / Day / Year) FROM: 1995 TO: 2005	
ADDRESS 201 Murray Ln.			TYPE OF WORK PERFORMED <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input type="checkbox"/> Industrial Hours per week _____	
CITY Richardson	STATE TX	ZIP CODE 75080		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications) Residential and light commercial- all aspects- service, install, duct work, billing, and advertising				
<b>Employer Complete The Following</b>				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me, this _____ day of _____, 20____	
SIGNATURE OF CONTRACTOR OF RECORD		DATE	a Notary Public in and for _____ County, Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials)			Signature of Notary Public _____	
LICENSE NUMBER		TELEPHONE NUMBER (Include Area Code)	My Commission expires: _____, 20____	

### Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME Smithco Engineering			DATES EMPLOYED (Month / Day / Year) FROM: 1992 TO: 1995	
ADDRESS 714 Sherman St.			TYPE OF WORK PERFORMED <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input type="checkbox"/> Industrial Hours per week _____	
CITY Richardson	STATE TX	ZIP CODE 75080		

DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications)

Service and Installation

### Employer Complete The Following

I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.		Subscribed and sworn before me, this _____ day of _____, 20____ a Notary Public in and for _____ County, Michigan Signature of Notary Public _____ My Commission expires: _____ 20____
SIGNATURE OF CONTRACTOR OF RECORD	DATE	
NAME OF CONTRACTOR OF RECORD (No Initials)		
LICENSE NUMBER	TELEPHONE NUMBER (Include Area Code)	

### Certification and Signature (MUST BE SIGNED BY ALL APPLICANTS)

I certify all information in this application is true and complete and I agree and understand any falsification of material facts will result in my forfeiting any rights of consideration for examination and issuance of a mechanical contractor's license in the state of Michigan.

SIGNATURE OF APPLICANT <i>W. J. Deffen</i>	DATE 7/15/08
---	-----------------

**Trade School**

Have you attended a recognized trade school? ☒ Yes ☐ No

If yes and you are requesting credit, attach a copy of your official transcript and your original diploma or certificate of completion.

**Examination Location**

Examinations are given at the sites listed below. Refer to the enclosed "Mechanical Contractor Examination Schedule" for examination dates. Please check below the site you wish to be examined at and indicate a preference of examination date. If approved for examination, an admission card will be mailed to you approximately 10 days prior to the examination date. If the examination you have selected is full, you will be scheduled for the next available examination at your preferred site.

Preferred SitePreferred Date

☒ Lansing Area

☐ Escanaba

☒ No Preference - Next Available Examination

If you have a learning disability, a psychological disability or other hidden disability that requires an accommodation in testing, submit written documentation from an appropriate professional (education professional, doctor, psychologist, psychiatrist) to certify that your disabling condition requires the requested test accommodation. Forms are available from this office.

**Background Information**

Have you been convicted of a felony or misdemeanor? ☐ Yes ☒ No

If yes, complete the Conviction History section below. Failure to accurately respond to this question will result in you forfeiting any rights of consideration for examination and issuance of a mechanical contractor's license in the state of Michigan.

**Conviction History**

In accordance with the Former Offenders Act, 1974 PA 381, this is to provide you with an opportunity to explain your affirmative response to the question above which asked if you had been convicted of a felony or misdemeanor.

If you are unsure of exact details, respond to the best of your knowledge. The information requested on this form is required under 1984 PA 192 and will be used to process your application. Attach additional sheet(s) if necessary.

YOUR NAME WHEN CONVICTED

INDICATE CONVICTION(S) FOR WHICH YOU WERE CHARGED

DATE(S) OF CONVICTION(S) AND SENTENCE(S)

NAME AND ADDRESS OF SENTENCING COURT(S)

CHECK YES OR NO TO THE FOLLOWING

1. Are you a current inmate? ☐ Yes ☒ No

2. Are you currently on probation / parole? ☐ Yes ☒ No

3. If yes, provide the name, address and telephone number of the correctional facility, probation officer or parole officer.

RELEASE DATE FROM CUSTODY, PROBATION OR PAROLE

REHABILITATION PROGRAMS ENROLLED IN OR COMPLETED

**Conviction History Certification and Signature (To be signed only if Conviction History section above is completed)**

I hereby certify the statements and facts provided are true and accurate to the best of my knowledge. By signing this form, I give my permission to allow the Bureau of Construction Codes to contact appropriate agencies regarding my record of conviction(s).

SIGNATURE

DATE

July 28, 2008

David Sexton  
3177 Yorkshire Dr  
Bay City, MI 48706

Dear Mr Sexton:

The Mechanical Division has received your application for Mechanical Contractor Licensing Examination. Upon review, it has been determined that the following information is required before you can be scheduled for examination:

**Your application does not show documentation of your work experience. Rule 903(1) requires that the applicant have a minimum of three years experience in one or more of the work classifications set forth in the Act. Your application indicates that you do not have three years of experience.**

**Your application was not notarized. Rule 903(1) requires the applicant to furnish notarized statements from employers. Please have your application notarized by your employer and return the enclosed application.**

If appropriate, return the required information along with this letter to: Department of Labor & Economic Growth, Bureau of Construction Codes, Mechanical Division, P.O. Box 30254, Lansing, Michigan 48909. If we do not receive a response within 15 days from the date of this letter, your application for examination will be denied in accordance with Rule 902(5) and (6).

If you have any questions regarding the information in this letter, please contact this office at 517/241-9325, preferably after 10:00 a.m. on weekdays.

Sincerely,

Kevin Kalakay, Assistant Chief  
Mechanical Division

KDK/tl

TO: MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH  
MECHANICAL DIVISION

REASON: REQUESTING AN APPOINTMENT BEFORE THE BOARD

PLEASE ALLOW ME AN AUDIENCE WITH THE BOARD TO SHOW EVIDENCE OF MY HISTORY IN THE HVAC INDUSTRY. I HAVE HAD 20 YEARS OF EXPERIENCE AS A SERVICE TECH, INSTALLER, OWNING AND RUNNING A SMALL BUSINESS OF MY OWN. THIS IS TO ALLOW ME TO TAKE THE MECHANICAL CONTRACTOR LICENSE EXAM. THANK YOU.

SINCERELY,  
DAVID A. SEXTON

3177 Yorkshire Dr.  
Bay City MI 48706  
Phone

# David A Sexton

---

## Objective

To secure a job in the HVAC industry as a service technician

I have excellent customer service skills. I present a good image and I am honest. Being in business for myself has helped me to develop the knowledge and skills needed to work for your company.

I have 20 years experience and would like to continue in this field

## Work experience

1988-1991

Cosby Service

Dallas TX

HVAC Technician

Worked in all aspects of air conditioning and heating installation and service

1991-1992

Trans Cities

Dallas TX

HVAC Technician

Worked in all aspects of air conditioning and heating installation and service

1992-1995

Smithco Engineering

Richardson, TX

HVAC Technician

Worked in all aspects of air conditioning and heating installation and service

1995-2005

Sexton Air Conditioning

Richardson, TX

Self Employed Licensed through the State of Texas

Residential sales, service and installation

2005-2008

Answer Heating and Cooling

Freeland, MI

HVAC Technician

Worked in all aspects of air conditioning and heating installation and service

## Accreditations

North American Technician Excellence (NATE)

Air Conditioning

Gas Furnaces

EPA

Refrigerant Certification

Universal Technician as required by 40 CFR part 82, subpart F

# AIR CONDITIONING AND REFRIGERATION CONTRACTORS LICENSE

LICENSE NUMBER

TACLB012492E

DAVID A SEXTON

## ADDRESS

201 MURRAY  
RICHARDSON, TX 75080

## BUSINESS AFFILIATION

DAVID A SEXTON  
201 MURRAY  
RICHARDSON, TX 75080

## CLASS

BBBBBB  
BB BB  
BB BB  
BB BB  
BBBBBB  
BB BB  
BB BB  
BB BB  
BBBBBB

This license is affiliated with the above business and may not  
simultaneously be assigned to any other business.  
The license holder must be an employee or owner of the business.

## ENDORSEMENTS

ENVIRONMENTAL AIR CONDITIONING

ISSUED BY THE  
TEXAS DEPARTMENT OF LICENSING AND REGULATION

P.O. BOX 12157  
AUSTIN, TEXAS 78711

DATE ISSUED:

JUNE 28TH, 2000

EXPIRES:

JUNE 28TH, 2003

William H. Kuntz, Jr., Executive Director

*William H. Kuntz, Jr.*

NP 62277

Tested By: Lennox Industries, Richardson, TX



# North American Technician Excellence

*Be it known that*

*David A Sexton*

has successfully passed the examinations administered by  
North American Technician Excellence  
and is awarded this certificate as evidence of competency as a(n)

**Air Conditioning — Service Technician**

A handwritten signature in black ink, appearing to read "Rex P. Boynton", is written over a horizontal line.

Rex P. Boynton, President

Test Date: April 25, 2006

Certification Date: May 11, 2006

NATE ID # 3083102

Certificate Issue Date: May 12, 2006

Certification Expires: May 2011

Tested By: Lennox Industries, Richardson, TX



# North American Technician Excellence

*Be it known that*

*David A Sexton*

has successfully passed the examinations administered by  
North American Technician Excellence  
and is awarded this certificate as evidence of competency as a(n)

**Gas Furnaces — Service Technician**

A handwritten signature in black ink, appearing to read "Rex P. Boynton", is written over a horizontal line.

Rex P. Boynton, President

Test Date: April 25, 2006

Certificate Issue Date: May 12, 2006

Certification Date: May 11, 2006

Certification Expires: May 2011

NATE ID # 3083102

*This Is To Certify That*

**David Sexton**

*Has Completed The Following Course Of Study:*

Heating & Air Conditioning  
**Amana**

**ULTRON**

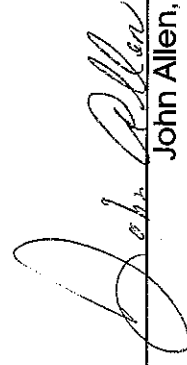
Air Conditioning Systems

Installation and Service

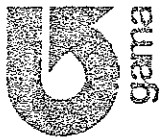
This 22<sup>nd</sup> Day of March, 2002.



Seminar Leader



John Allen, Amana Training Manager



# CERTIFICATE OF COMPETENCY

AWARDED TO

*David A. Sexton*

FOR SUCCESSFULLY PASSING THE

**RESIDENTIAL  
AIR CONDITIONING AND HEATING  
ARI/GAMA COMPETENCY EXAMINATION**

JUNE 1988

*Arnold W. Braswell*

ARNOLD W. BRASWELL  
PRESIDENT

AIR-CONDITIONING AND REFRIGERATION INSTITUTE

*Harry A. Paynter*

HARRY A. PAYNTER  
PRESIDENT

GAS APPLIANCE MANUFACTURERS ASSOCIATION

# AMERICAN TRADES INSTITUTE

CERTIFIES THAT

**David A. Sexton**

*has successfully completed the prescribed course of instruction in  
Air Conditioning, Heating, and Refrigeration  
as developed and taught by this Institute and thus having shown proficiency in  
the skills of the trade, is hereby found worthy to receive and is awarded this*

**DIPLOMA**

*as a certificate of graduation and is emblematic of ability and aptitude in this field.*

**May 6, 1988**  
**DALLAS, TEXAS**



*Joe B. Clark*  
President - Director

**Refrigerant Certification Services**  
**1 800 597-9291**

**David Sexton**

has been Certified as

**Universal Technician**

as required by 40 CFR part 82, subpart F

**Certification Number 40158**

**Issue Date 8/25/94**

**EPA Approval Date 03/30/94**

# SEXTON



## AIR CONDITIONING & HEATING

(972) 480-8580

RESIDENTIAL & COMMERCIAL  
Sales, Service, Installation  
WE SERVICE ALL MAKES & MODELS



TAC1B012492E



10% SENIOR DISCOUNT

FINANCING AVAILABLE



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It's Hard  
To Stop A  
Trane.™

*Sexton*

David Sexton, Owner & Operator

### SUMMER TUNE-UP

**\$29<sup>95</sup>**

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- Check Amp Draws • Oil Motor
- Check Filters • Wash Condenser
- Check Temperature Drop

With coupon Limited Time Offer

### CHANGE-OUT SPECIAL TRANE 3-TON COMPLETE SYSTEM

**\$2795**

Up Flow Only  
Includes normal installation on  
existing copper, slab electric

With coupon Limited Time Offer

### CHANGE-OUT SPECIAL 3-TON A/C

**\$1190**

Includes normal installation on  
existing copper, slab, electric

With coupon Limited Time Offer

ALLEN ADVERTISING INC. • 644-7779 dJ010618 JHp



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 4, 2008

M-08-17

TO: Members of the Board of Mechanical Rules  
FROM: Tennison B. Barry, Chief, Mechanical Division  
SUBJECT: Good Moral Character

**APPLICANT REPRESENTATIVE:**

David Rudy

**PROJECT:**

Not applicable.

**AUTHORITY:**

The Forbes Mechanical Contractors Act, 1984 PA 192 of the Michigan Compiled Laws.

**REQUEST:**

Applicant appeals denial of application for license examination. Application was denied based on good moral character.

**APPLICABLE RULE:**

R 338 903a. of the Board of Mechanical Rules License Examination Procedures

**RECOMMENDATION:**

Staff has no recommendation.

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 2, 2008

Mr. David C. Rudy  
1727 Woodhill Drive  
Brighton, MI 48114

Dear Mr. Rudy:

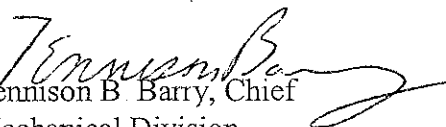
On September 17, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event

If I can be of further assistance, you may contact me.

Sincerely,

  
Tammison B. Barry, Chief  
Mechanical Division

TBB/cct

*Providing for Michigan's Safety in the Built Environment*

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P.O. BOX 30254 • LANSING, MICHIGAN 48909  
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**STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF CONSTRUCTION CODES**

In The Matter Of:

Mr. David C Rudy  
1727 Woodhill Drive  
Brighton, Michigan 48114

---

**NOTICE OF DENIAL OF AN APPLICATION FOR  
MECHANICAL CONTRACTOR'S EXAMINATION/LICENSE**

---

NOTICE is herewith given that the Michigan Department of Labor & Economic Growth, (hereafter "Department"), Bureau of Construction Codes, pursuant to the Act relating to Former Offenders, 1974 PA 381, as amended, MCL 338.41 et seq; MSA 18 1208(1) et seq (hereafter the Act), has determined that the Applicant is unqualified for the examination or license for the mechanical contractor requested for lack of good moral character within the meaning of the Act. Accordingly, the APPLICATION FOR EXAMINATION/LICENSURE OF MECHANICAL CONTRACTOR IS HEREBY DENIED. The basis for this decision is as follows:

1. Certified copies of the complaint from 25<sup>th</sup> District Court, Lincoln Park, Michigan, docket No. 69333 establish that Applicant was found guilty of one count Leaving the Scene of an Injury Accident MCL AC-4800 on August 27, 1970. He was placed on suspended sentence.
2. Certified copies of the complaint from 25<sup>th</sup> District Court, Lincoln Park, Michigan, docket No. S-5023 establish that Applicant plead guilty to one count misdemeanor, Breaking & Entering of Business Place, MCL AC-2200

on March 15, 1971. He was placed on probation for 2 years and sentenced to serve the first 6 months in Detroit House of Corrections.

3. Certified copies of the complaint from Wayne County Circuit Court, Detroit, Michigan, docket No. 76-630645-FY establish that Applicant was found guilty of one count Felony Armed Robbery, MCL 750.529 on December 14, 1976 and was sentenced to a term of 10 to 30 years.
4. Certified copies of the complaint from Wayne County Circuit Court, Detroit, Michigan, docket No. 85-578816-FY establish that Applicant plead guilty to one count Felony Armed Robbery, MCL 750.529 on October 17, 1985. He was sentenced to 13 – 30 years prison.

YOU ARE HEREBY NOTIFIED that in the event you have relevant evidence of qualification not previously considered by the Department, you may, within thirty (30) days of the date of mailing of this "NOTICE OF DENIAL", file a written appeal with the Department setting forth those reasons why the examination/license should be granted. Said appeal may rebut the evidence set forth in paragraphs Nos. 1 through 4 above by showing that at the current time the applicant has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that the applicant has been rehabilitated, or that the substances of the former offenses are not reasonably related to the practice of the mechanical contractor. Said appeal may be accompanied by a brief summary of the incidents which led to the convictions and the factors surrounding the incidents; business/personal references; a report from the applicant's rehabilitation specialist, if any, indicating the possibility of similar future incidents; a current report from the applicant's parole/probation officer, if pertinent; etc.

IF SUCH AN APPEAL IS TIMELY FILED, the Bureau of Construction Codes will consider the application in view of the reasons set forth in the appeal

IT IS IMPORTANT THAT THE PETITION COMPLETELY DETAIL THE REASONS WHY THE APPLICANT SHOULD BE GRANTED AN EXAMINATION/LICENSE FOR MECHANICAL CONTRACTOR.

YOU MAY WISH TO APPEAR BEFORE THE BOARD WHEN YOUR APPEAL IS CONSIDERED. YOU MAY ALSO, AT YOUR OWN EXPENSE, BE REPRESENTED BY COUNSEL AT THE APPEAL.

UPON COMPLETION OF THE BOARD'S REVIEW, THE APPLICANT SHALL BE NOTIFIED OF THE DECISION IN WRITING.

The instant denial of an examination or license for lack of good moral character shall not operate as a bar to denial of said application for other reasons if it should be subsequently determined that the applicant is otherwise unqualified. YOU ARE HEREBY NOTIFIED that in the event the Department determines that the applicant is unqualified for reasons other than lack of good moral character, the applicant will be notified by way of separate and different NOTICE OF DENIAL.

By: Tennison B. Barry  
Tennison B. Barry Chief  
Mechanical Division

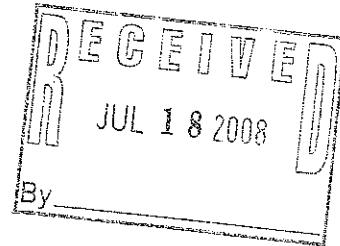
DATED: 6-23-05

Written Appeal to the Board Should be Addressed To:

Department of Labor & Economic Growth  
Bureau of Construction Codes  
Mechanical Division  
P O. Box 30254  
Lansing, Michigan 48909

David C. Rudy  
1727 Woodhill Drive  
Brighton, MI 48114

Department of Labor & Economic Growth  
Board of Mechanical Rules  
P.O. Box 30254  
Lansing, MI 48909



July 16, 2008

Re: Request for Appeal

Dear Appeal Board:

On June 23, 2008 my application for a mechanical contractor's examination was denied. I am appealing that decision and requesting to appear before the Board.

While I can not change my criminal record, I eliminated that character flaw in my life many years ago.

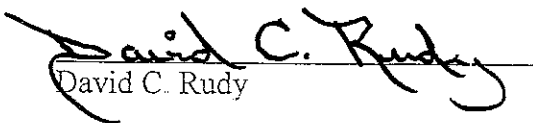
Since my release on parole on September 26, 1996, I have been a model citizen. I brought/own a car; brought/own a house, pay bills, pay taxes, and I have maintained full time employment.

In 2007 I organized my own company, Gentry Sales, Inc., that is licensed, insured and bonded. Currently, I do various repairs in the manufactured housing industry. Often I am in customer's homes by myself. Moreover, banks hire me to change locks or repair homes they repossessed.

I have attached various correspondences attesting to my moral character.

I thank you for your time and cooperation in this matter.

Sincerely,

  
David C. Rudy

Official Report of Test Results  
TESTS OF GENERAL EDUCATIONAL DEVELOPMENT



issued by  
OFFICIAL GED CENTERS  
of the

GENERAL EDUCATIONAL DEVELOPMENT TESTING SERVICE  
OF THE AMERICAN COUNCIL ON EDUCATION

Name of Examinee:

Rudy David Cary  
Last First Middle

Address: David Cary Rudy  
1727 Woodhill Dr.

Reported To:

Phone Number: Brighton, MI 48114

Date of Birth: \_\_\_\_\_ Test Format: \_\_\_\_\_ Date Reported: 4/15/1980

Social Security Number: \_\_\_\_\_

Test 1: Writing Skills Test

Test 2: Social Studies Test

Test 3: Science Test

Test 4: Interpreting Literature and the Arts

Test 5: Mathematics Test

Test Date	Form	Standard Score	Percentile Rank for U.S.
1/6/78	HH	42	
1/6/78	HH	55	
1/6/78	HH	55	
1/6/78	HH	48	
1/6/78	HH	47	
Total		247	XX
Standard Score Average		49.4	

Passed"

Failed"

(Copies of this report can be obtained from the center listed below.)

The scores on this report are the highest scores achieved by the examinee and not necessarily the most recent. If retest scores are lower than scores previously achieved, the retest scores are not reported.

Signature of Chief Examiner: Marion E. Byrum

Name of Center: Michigan Department of Education

Phone Number: (517) 373-1692

Address of Center: Office of Adult Extended Learning  
P.O. Box 30008  
Lansing, MI 48909

Center Identification Number (if required)

9999

Date: 06/16/1998

Pass or Fail as determined by state policy

NB:ah

8028592-01

GEDTS FORM 30/200M/91764FP - 9/95

REVISED 12/89

**KAREN RYAN**  
PROVIDING RECIPES FOR TAX MANAGEMENT SUCCESS

KAREN RYAN ENTERPRISES, LLC  
*Tax Consultant • Licensed Real Estate Broker*

---

416 W Grand River • P.O. Box 826 • Fowlerville, MI 48836  
*Direct 517-223-4626 Fax 517-223-7202 E-Mail Karen@karenryan.com Website www.karenryan.com*

July 16, 2008

State of Michigan  
Department of Labor & Economic Growth  
Bureau of Construction Codes

Re: David C. Rudy

This letter is to verify that I was the supervising Parole Officer for David C. Rudy. Mr. Rudy was placed on Parole September 26, 1996 and successfully completed a two year term. Mr. Rudy not only was compliant in his conditions of Parole but was extremely motivated to make changes in all areas of his life.

Mr. Rudy has stayed in contact with me over the past ten years to let me know about his personal accomplishments. In general this is very unusual for my former clients. I am happy to be able to provide a positive reference for him.

Please feel free to contact me if you have questions.

Sincerely,



Karen L. Ryan EA CSA

Mrs. Rayola Banfield  
PO Box 73  
Howell, Michigan 48843

State of Michigan  
Mechanical Division  
PO Box 30254  
Lansing, Mi 48909

RE: David Rudy

Gentlemen:

I met David Rudy in 1997 and he has been doing all of my household repairs for me every since.

I am now 87 years old and have never had any problems with David. He is a very good worker and is honest as the days long. On once occasion I overpaid him by \$12.00 and he came to my home in a snow storm to give me the money back.

I hope you will not hold his past against him.

Sincerely,

  
Rayola Banfield

***GENTRY SALES INC***

6241 W. Grand River \* Brighton, Mi 48114

517-545-0006 \* fax 517-548-4546

July 8, 2008

Department of Labor & Economic Growth

Board of Mechanical Rules

PO Box 30254

Lansing, Mi 48909

RE: Denial of application for mechanical contractors exam/license

DAVID RUDY

To whom it may concern:

I worked with David Rudy from 1996 through 2006 at Crest Housing Inc.

Mr. Rudy is a very honest person and was well liked by all of our customers. I believe in his integrity enough to have gone into business with him the beginning of 2007.

Mr. Rudy is in direct contact with our customers, is in and out of their homes doing bids as well as service work, collects monies and all other things involved in running a profitable company.

I am aware of Mr. Rudys background and can only say that he rehabilitated himself and is certainly worthy of taking the mechanical contractors test. He should not be denied the right to further himself. He is of excellent moral character and will excel as a mechanical contractor.

Sincerely,

CASS GENTRY

President

***CREST HOUSING INC***

6241 W. Grand River \* Brighton, Mi 48114

517-545-0006 \* fax 517-548-4546

July 8, 2008

Department of Labor & Economic Growth

Board of Mechanical Rules

PO Box 30254

Lansing, Mi 48909

RE: Denial of application for mechanical contractors exam/license  
DAVID RUDY

To whom it may concern:

I have personally and professionally known David Rudy since 1996 and, in fact, met him when he was first released from prison.

Our organization hired him in 1996 and he has worked for us both full time and part time ever since.

Mr. Rudy started out selling home repair products over the counter to the general public. He worked his way up to service manager and was responsible for managing our service crew & making repairs for individuals at their homes. His duties included customer relations, billing and collecting monies, and general public relations.

Mr. Rudy, regardless of his background, was one of our most trusted and honest employees and our customers loved him. Without hesitation I would highly recommend him for any endeavor he undertook.

When Mr. Rudy started working for us he made the decision to change his life and he certainly followed through. There has never, in the past twelve years, ever been any slight indication that he is anything other than a person of excellent moral character.

Mr. Rudy paid dearly for the actions he chose as a young man. I hope that the board will give him an opportunity to take his mechanical exam and enable him to continue to better his professional life.

Sincerely,

DIANA KAYE GENTRY  
President



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

DATE: September 4, 2008 M-08-18  
TO: Board of Mechanical Rules  
FROM: Tennison B. Barry, Chief, Mechanical Division  
SUBJECT: Approval of Product

The items listed below have been reviewed by Mechanical Division staff.

The manufacturers, the products, and the recommendations of the Mechanical Division for approval or disapproval of the items for installation in the State of Michigan are as follows:

Manufacture: Excelamerica  
Product: GasFlex  
Description: Aluminum pipe fittings coextruded with a tough and seamless PE jacket inside and outside.  
Test Results: SAI GOLBAL , SGS (Swiss Certification Services)  
Recommendation: Approval **not** recommended for installation in the State of Michigan for the following reason(s).  
1. Plastic tubing can not be installed inside.

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 2, 2008

Mr. Camilo Mejia  
ExcelAmerica LLC  
8306 NW 56<sup>th</sup> St.  
Miami, FL 33166

Dear Mr. Mejia:

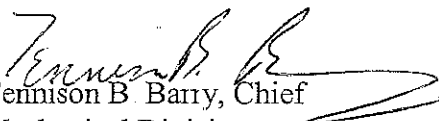
On September 17, 2008, the Board of Mechanical Rules will consider your application for Approval of a Product.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me

Sincerely,

  
Tammison B. Barry, Chief  
Mechanical Division

TBB/cct

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

July 1, 2008

Mr. Camilo Mejia  
ExcelAmerica LLC  
8306 NW 56<sup>th</sup> St.  
Miami, FL 33166

Dear Mr. Mejia:

On June 20, 2008, I sent you a letter indicating that The Board of Mechanical Rules would consider your application for Approval of a Product at their meeting on July 16, 2008.

However, in examining the information you sent, I find I will need some additional information from you before this application can be brought to the Board, i.e., I need a sample of the material (product to be approved) along with copies of the standard listed that the product was tested to.

If you have any further questions, please do not hesitate to contact me and again, this application will not be presented at the July meeting. I regret any inconvenience.

Sincerely,

*Tennison B. Barry*  
Tennison B. Barry, Chief  
Mechanical Division

TBB/cct

*Claudia,*  
Attached are the samples  
including Pipe with all the  
Fittings and the tool kit.  
The 18 booklets were shipped  
on July 3. Thank you

*Catalina Mejia*  
PH-305-5925269

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the two systems will result in nonconformance with this specification.

## 2. Referenced Documents

B210 Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes  
B221 Specification for Aluminum and Aluminum-Alloy Extruded Bars, Rods, Wire, Profiles, and Tubes  
B429 Specification for Aluminum-Alloy Extruded Structural Pipe and Tube  
B483 Specification for Aluminum and Aluminum-Alloy Drawn Tubes for General Purpose Applications  
B557 Test Methods of Tension Testing Wrought and Cast Aluminum- and Magnesium-Alloy Products  
B557M Test Methods of Tension Testing Wrought and Cast Aluminum- and Magnesium-Alloy Products [Metric]  
B594 Practice for Ultrasonic Inspection of Aluminum-Alloy Wrought Products for Aerospace Applications  
B647 Test Method for Indentation Hardness of Aluminum Alloys by Means of a Webster Hardness Gage  
B648 Test Method for Indentation Hardness of Aluminum Alloys by Means of a Barcol Impressor  
B660 Practices for Packaging/Packing of Aluminum and Magnesium Products  
B666/B666M Practice for Identification Marking of Aluminum and Magnesium Products  
B807 Practice for Extrusion Press Solution Heat Treatment of Aluminum Alloys  
B918 Practice for Heat Treatment of Wrought Aluminum Alloys  
E1004 Practice for Determining Electrical Conductivity Using the Electromagnetic (Eddy-Current) Method  
E1251 Test Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Argon Atmosphere, Point-to-Plane, Unipolar Self-Initiating Capacitor Discharge  
E18 Test Methods for Rockwell Hardness and Rockwell Superficial Hardness of Metallic Materials  
E227 Test Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Point-to-Plane Technique  
E29 Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications  
E34 Test Methods for Chemical Analysis of Aluminum and Aluminum-Base Alloys  
E527 Practice for Numbering Metals and Alloys (UNS)  
E55 Practice for Sampling Wrought Nonferrous Metals and Alloys for Determination of Chemical Composition  
E607 Test Method for Atomic Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Point-to-Plane Technique, Nitrogen Atmosphere  
E716 Practices for Sampling Aluminum and Aluminum Alloys for Spectrochemical Analysis  
G47 Test Method for Determining Susceptibility to Stress-Corrosion Cracking of 2xxx and 7xxx Aluminum Alloy Products  
 MIL-STD-129 Marking for Shipment and Storage

AMS 2772 Heat Treatment of Aluminum Alloy Raw Materials  
Fed Std No. 123 Marking for Shipment (Civil Agencies)  
H35.1 Alloy and Temper Designation Systems for Aluminum  
H35.1(M) Alloy and Temper Designation Systems for Aluminum  
H35.2 Dimensional Tolerances for Aluminum Mill Products  
H35.2(M) Dimensional Tolerances for Aluminum Mill Products

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## Index Terms

aluminum alloy; seamless extruded tube; seamless pipe; ICS Number Code  
77.150.10

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## ASTM B241 / B241M

[Citing ASTM Standards](#)

[\[Back to Top\]](#)

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ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428-2959

**ASTM B241 / B241M - 02****ASTM B241 / B241M - 02 Standard Specification for Aluminum and Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube**

Active Standard ASTM B241 / B241M Developed by Subcommittee: B07.03 | **Book of Standards Volume: 02 02**

Buy Standard (PDF)	<a href="#">more info</a>	16 pages	\$ 42.00
Buy Standard (Print)	<a href="#">more info</a>	16 pages	\$ 42.00
Buy Standard + Redline (PDF)	<a href="#">why redline?</a>	32 pages	\$ 50.40

**ASTM B241 / B241M****1. Scope**

1.1 This specification covers aluminum and aluminum-alloy seamless pipe in the alloys (Note 1) and tempers shown in Table 1 [Table 2] and extruded round seamless tube in the alloys and tempers shown in Table 3 [Table 4] intended for pressure applications. The standard sizes for seamless pipe are listed in Table 16.7 of ANSI H35.2 and H35.2M. Nonstandard alloys, tempers, and sizes of pipe are produced as seamless extruded tube.

Note 1—Throughout this specification, use of the term *alloy*, in the general sense, includes aluminum as well as aluminum alloy.

Note 2—For other seamless drawn tubes, see Specification B 210 or Specification B 483. For extruded tube see Specification B 221, and for structural pipe and tube see Specification B 429.

1.2 Alloy and temper designations are in accordance with ANSI H35.1 and H35.1M. The equivalent Unified Numbering System alloy designations are those of Table 5 preceded by A9, for example, A91100 for aluminum 1100 in accordance with Practice E 527.

1.3 For acceptance criteria for inclusion of new aluminum and aluminum alloys in this specification, see Annex A2.

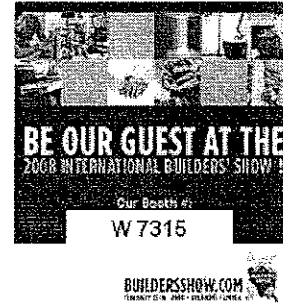
1.4 The values stated in either inch-pound or SI units are to be regarded separately as standard. The SI units are shown either in brackets or in separate tables. The values stated in each system are not exact equivalents; therefore, each system must be used independently of the other. Combining values from



Excelamerica LLC

May 9, 2008

Michigan Dept. of Labor & Economic Growth  
Bureau of Construction Codes  
Mechanical Division  
P.O. Box 30255  
7150 Harris Drive  
Lansing, MI 48909



RE: Application for Approval of Material

Dear Sirs,

The gasFlex (R) Flexible Gas Piping System, from Excel, is a complete natural gas and propane piping system internationally certified by SGS [www.sgs.com](http://www.sgs.com) to AS4176. Used in Europe and in Australia for over 10 years, this technology is now revolutionizing the way gas is installed in America.

gasFlex alluminum alloy piping and fittings is ASTM B241 aluminum pipe lined with inner and outer layers of UV resistant polyethylene (PE). Aluminum tubing complies to the International Fuel Gas Code 2006 and the Michigan Mechanical Code 2006 Sec 403.5.3 - 403.6 and 301.3 respectively.

gasFlex is a durable, reliable tubing that will not corrode or rust. The flexibility of gasFlex tubing results in easy rollouts. The stay-in-place rigid feature of the tubing makes it ideal for:

- Interior gas piping systems
- Underground gas piping systems
- Running gas lines to remote areas in the yard (BBQ - Jacuzzi - Space heater)

We would like to make a dissertation on the subject as follows:

[www.gasflex.com](http://www.gasflex.com)  
8306 NW 56<sup>th</sup> Street, Miami, FL 33166  
Ph: 305 851 3223 Fax 206 495 0816  
[info@gasflex.com](mailto:info@gasflex.com)



Excelamerica LLC

A tube is formed continuously (such as an extrusion), whereas a pipe is rolled from sheet material and seamed along its length. Tubes can have an end on them (test tubes) rounded at one end. Pipes are always open on both ends.

gasFlex aluminum alloy tubing and fittings is an ASTM B241 material lined with inner and outer layers of UV resistant polyethylene (PE). The International Fuel Gas Code 2006 has Aluminum alloy listed as acceptable piping materials and methods.

From the website <http://www.principalmetals.com/specifications/astm-asme.htm> we have that ASTM B241 standard covers a wide range of tubes and pipes and alloys:

- ☐ Covers 1060 Aluminum in Pipe- Seamless
- ☐ Covers 2014 Aluminum in Pipe- Seamless
- ☐ Covers 1100 Aluminum in Pipe- Seamless
- ☐ Covers 3003 Aluminum in Pipe- Seamless
- ☐ Covers 3003 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 1060 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 2024 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 1100 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 2014 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 2219 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 2219 Aluminum in Pipe- Seamless
- ☐ Covers 5083 Aluminum in Pipe- Seamless
- ☐ Covers 5086 Aluminum in Pipe- Seamless
- ☐ Covers 5086 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 5454 Aluminum in Pipe- Seamless
- ☐ Covers 5454 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 5456 Aluminum in Pipe- Seamless
- ☐ Covers 5083 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 6061 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 6061 Aluminum in Pipe- Seamless
- ☐ Covers 6063 Aluminum in Pipe- Seamless
- ☐ Covers 6063 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 7072 Aluminum in Pipe- Seamless
- ☐ Covers 7072 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 7075 Aluminum in Pipe- Seamless
- ☐ Covers 7075 Aluminum in Tube, Extruded, Seamless

[www.gasflex.com](http://www.gasflex.com)  
8306 NW 56<sup>th</sup> Street , Miami , FL 33166  
Ph: 305 851 3223 Fax 206 495 0816  
[info@gasflex.com](mailto:info@gasflex.com)



Excelamerica LLC

- ☐ Covers 7178 Aluminum in Pipe- Seamless
- ☐ Covers 7178 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 5456 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 5052 Aluminum in Pipe- Seamless
- ☐ Covers 5052 Aluminum in Tube, Extruded, Seamless
- ☐ Covers 2014 Aluminum in Forging - Open Die

In the case of gasFlex we have 7075 alloy aluminum pipe, coextruded with a tough and seamless PE jacket , thus complying with NFPA 54

We are attaching a Petition Application for Approval of Material and several reports , standards and approvals by other agencies relating to gasFlex.

We therefore request approval rating at the State level for this material.

Best Regards,

A handwritten signature in black ink, appearing to read "Camilo Mejia".

Camilo Mejia  
ExcelAmerica LLC  
305 851 3223

[www.gasflex.com](http://www.gasflex.com)  
8306 NW 56<sup>th</sup> Street , Miami , FL 33166  
Ph: 305 851 3223 Fax 206 495 0816  
[info@gasflex.com](mailto:info@gasflex.com)

**Petition Application for Approval of Material, Product or Method**  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes  
P.O. Box 30255, Lansing, MI 48909  
www.michigan.gov/bcc

Agency Use Only

**Application Fee: \$500.00**

Authority: 1972 PA 230  
Completion: Mandatory  
Penalty: Use of material, product or method will not be approved

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

**PRODUCT INFORMATION**

**NATURE OF APPLICATION**

☒ Material ☐ Product ☐ Method of Manufacture or Construction ☐ Component

**CODE UNDER WHICH APPROVAL IS SOUGHT**

☐ Building (140) ☐ Electrical (115) ☒ Mechanical (130) ☐ Plumbing (98)

**NAME OF MATERIAL, PRODUCT OR METHOD OF MANUFACTURE (Limit To One Item Per Application)**

gasFlex

**OTHER IDENTIFICATION (Model Number)**

Pipe and fittings :Sizes 1216 (1/2"), 1418 (Super 1/2") 1620 (5/8") 2025 (3/4") 2632 (1")

**DESCRIPTION (Use Additional Sheets If Necessary)**

Aluminum pipe tubing coextruded with a tough and seamless PE jacket inside and outside www.gasflex.com

**INTENDED USE (Use Additional Sheets If Necessary)**

Flexible tubing for interior and underground gas piping systems (LPG and NATURAL GAS), intended for use in behind the wall applications, basement or underground or embedded in concrete or mortar

**DATA SUBMITTED**

☒ Letter ☐ Manual ☒ Standards ☐ Installation Instructions ☐ Display Catalog

Reports  
☐ ICC - NES  
☐ BOCA - NES  
☐ ICBO  
☐ SBCC  
☐ NRB  
☒ Other

☐ Product Sample or Model  
☒ Prior Approvals by Other Agencies  
☐ Recommendations by Model Code Bodies

**LABORATORY TEST BY**

SAI GLOBAL , SGS (Swiss Certification Services)

**PILOT SERVICE EXPERIENCE AND CONDITIONS (Use Additional Sheets If Necessary)**

Used in Australia for over 10 years, this technology has been used in America for the past 4 years, it is a flexible alternative in the way gas is installed in America. The gasFlex (R) Flexible Gas Piping System, is a complete piping system internationally certified by SGS. Aluminum tubing is listed for gas use in NFPA 54 National Fuel Gas Code.

**RESTRICTIONS FOR USE (Use Additional Sheets If Necessary)**

If used outdoors and exposed to direct sunlight it shall be inserted inside a floppy conduit or mechanical raceway or other scheme to protect it from direct sunlight

**APPLICANT (Note: All correspondence will be sent to this address)**

**NAME OF COMPANY**

ExcelAmerica LLC

**APPLICANT NAME**

CAMILO MEJIA

**ADDRESS**

8306 NW 56th St

**CITY**

Miami

**STATE**

FLORIDA

**ZIP CODE**

33166

**TELEPHONE NUMBER (Include Area Code)**

(305) 851-3223

**APPLICANT SIGNATURE (Must be an original signature)**

**DATE**

**FAX NUMBER (Include Area Code)**

(206) 495-0816

Foshan , PRC November 2006

FOSHAN RIFENG ENTERPRISE CO., LTD.  
HUABAO ROAD  
ZHANGCHA WEST CITY DEVELOPMENT DISTRICT  
FOSHAN, GUANGDONG 528000  
CHINA

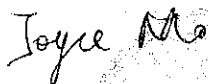
#### CERTIFICATION

We hereby certify that Excelamerica LLC is the distributor of the Type C Pipe PE AL PE Piping system for sale with the brand name "gasFlex" \* and listed as *Rifeng PEX-AL-PEX* in SGS Product certificate # 785424 in compliance with AS 4176 ---

ExcelAmerica LLC officers will provide the necessary training , samples and code related documentation to succesfully introduce this flexible gas piping solution for use in residential and commercial construction.

Long term hydrostatic strength curve testing has been performed per Appendix E of AS 4176 with satisfactory results when subjected to regression analysis by the method of least squares to give an extrapolated 97.5% LCL , the extrapolated times are not less than 438 000 h.

Best Regards,



Joyce Mo  
Regional Sales Manager



# STANDARDSMARK LICENCE

*SAI Global hereby grants to:*

**Foshan Rifeng Enterprise Co. Ltd**

**Rifeng Building 16 Zumiao Road Foshan Guangdong 528000 CHINA**

*"the Licensee" the right to use the STANDARDSMARK as shown above only in respect of the goods described and detailed in the Schedule which are produced by the Licensee and which comply with the appropriate Standard referred to below as from time to time amended. The Licence is granted subject to the rules governing the use of the STANDARDSMARK and the Terms and Conditions for certification and licence. The Licensee covenants to comply with all the Rules and Terms and Conditions.*

*Manufactured to:*

**AS 4176 -- Polyethylene/aluminium and cross-linked polyethylene/aluminium macro-composite pipe systems for pressure applications**

The STANDARDSMARK is a registered certification trademark of SAI Global Limited (A.C.N. 050 644 642) and is issued under licence by SAI Global Certification Services Pty Limited (ACN 108 716 669) ("SAI Global"). This certificate remains the property of SAI Global and must be returned to SAI Global upon its request. Refer to the Schedule for the list of product models

Licence No.: SMK02564  
Issue Date: 14 March 2006

Certified Date: 14 March 2006  
Expiry Date: 13 March 2011

Alex Ezrakhovich - General Manager Certification  
For and on behalf of SAI Global

Authorised Local Signatory, SAI Global





STATE OF MICHIGAN

JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

DATE: September 4, 2008 M-08-19  
TO: Board of Mechanical Rules  
FROM: Tennison B. Barry, Chief, Mechanical Division  
SUBJECT: Approval of Product

The items listed below have been reviewed by Mechanical Division staff

The manufacturers, the products, and the recommendations of the Mechanical Division for approval or disapproval of the items for installation in the State of Michigan are as follows:

Manufacture: Omega Flex  
Product: Counter Strike  
Description: Flexible gas piping with the black protective sleeve. This product requires no additional bonding requirements for Counterstrike date coded 0731 and higher imposed by the manufacturer's installation instructions Improved Counterstrike is to be bonded in accordance with the National Fuel Gas Code and the National Electrical Code NFPA 70 Article 250.104.  
Test Results: CSA International  
Recommendation: Approval recommended for installation in the State of Michigan for the following reason(s)  

1. Must be installed to the Michigan Mechanical Code
2. Must be installed to the International Fuel Gas code

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 2, 2008

Mr. Art Weirauch  
OmegaFlex, Inc.  
451 Creamery Way  
Exton, PA 29341-2509

Dear Mr. Weirauch:


On September 17, 2008, the Board of Mechanical Rules will consider your application for Approval of a Product, OmegaFlex CounterStrike Gas Piping.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

  
Tennison B. Barry, Chief  
Mechanical Division

TBB/cct

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AUG 08 2008

## Petition Application for Approval of Material, Product or Method

Michigan Department of Labor &amp; Economic Growth

Bureau of Construction Codes

P.O. Box 30255 Lansing MI 48909

www.michigan.gov/bcc

Tran Info:130 14207704-1 08/06/08

Chk#: 170074 Amt: \$500.00

ID: OMEGAFLEX INC

Agency Use Only

Application Fee: \$500.00

Authority: 1972 PA 230  
Completion: Mandatory  
Penalty: Use of material, product or method will not be approved

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

## PRODUCT INFORMATION

## NATURE OF APPLICATION

☒ Material ☐ Product ☐ Method of Manufacture or Construction ☐ Component

## CODE UNDER WHICH APPROVAL IS SOUGHT

☐ Building (140) ☐ Electrical (115) ☒ Mechanical (130) ☐ Plumbing (98)

## NAME OF MATERIAL, PRODUCT OR METHOD OF MANUFACTURE (Limit To One Item Per Application)

TracPipe® CounterStrike®

## OTHER IDENTIFICATION (Model Number)

FGP-CS-Size

## DESCRIPTION (Use Additional Sheets If Necessary)

See Attached

## INTENDED USE (Use Additional Sheets If Necessary)

Interior Fuel Gas piping Systems as referenced in IFGC 2006: 403.5.4 / NFPA 54 2006: 5.6.3.4

## DATA SUBMITTED

☐ Letter ☒ Manual ☐ Standards ☒ Installation Instructions ☒ Display Catalog

Reports  
☐ ICC - NES  
☐ BOCA - NES  
☐ ICBO  
☐ SBCC  
☐ NRB  
☒ Other

☒ Product Sample or Model  
☐ Prior Approvals by Other Agencies  
☐ Recommendations by Model Code Bodies

## LABORATORY TEST BY

CSA International

## PILOT SERVICE EXPERIENCE AND CONDITIONS (Use Additional Sheets If Necessary)

## RESTRICTIONS FOR USE (Use Additional Sheets If Necessary)

## APPLICANT (Note: All correspondence will be sent to this address)

## NAME OF COMPANY

OmegaFlex

## APPLICANT NAME

Art Weirauch

## ADDRESS

451 Creamery Way

## CITY

Exton

## STATE

PA

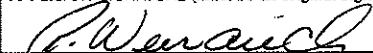
## ZIP CODE

19341

## TELEPHONE NUMBER (Include Area Code)

(610) 524-7272

## APPLICANT SIGNATURE (Must be an original signature)



## DATE

7-18-08

## FAX NUMBER (Include Area Code)

(610) 524-9771

**Description:**

*CounterStrike® CSST with the black, protective sleeve uses the same, easy to install, **AutoFlare®** fittings as conventional TracPipe® with the yellow jacket. CounterStrike® systems are sized in the same manner as TracPipe® either using Capacity Tables or other approved methods.*

*There are no additional bonding requirements for CounterStrike date coded 0731 and higher imposed by the manufacturer's installation instructions. Improved Counterstrike is to be bonded in accordance with the National Fuel Gas Code NFPA 70 Article 250.104, the National Fuel Gas Code NFPA 54, and with any local requirements which may be in excess of the national codes.*



ISO 9001:2000



July 30, 2008

Michigan Department of Labor and Economic Growth  
Bureau of Construction Codes – Mechanical Division  
2501 Woodlake Circle  
Okemos, MI 48864

Ref: Petition Application for Product Approval  
OmegaFlex CounterStrike® Gas Piping

To whom it may concern,

Please find enclosed our application and fee requesting approval for our CounterStrike Corrugated Stainless Steel Tubing (CSST) product. CounterStrike has been tested, and certified to meet all applicable requirements of the Michigan Mechanical and Plumbing Codes (International Fuel Gas Code (IFGC) 2006).

In support of this product, please find the following enclosed items:

- CounterStrike Product Brochure
- CSA International Certificate of Compliance No. 1082441 (112221) for product approval to the requirements of the ANSI LC1/CSA 6 26 standard as required by Section 403.5.4 of the International Fuel Gas Code (IFGC) 2006.
- TracPipe Design Guide and Installation Instructions December 2007 – Section 4 10A.

Please advise the date of the committee's meeting so that we may make arrangements to have a representative present for any questions

If you have any questions on this matter, please feel free to contact me.

Regards,

Art Weirauch

Manager – Training and Applications Engineering  
OmegaFlex, Inc.  
451 Creamery Way  
Exton, PA 19341-2509  
Tel: 610-524-7272 ext. 3014



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

DATE: September 4, 2008 M-08-20  
TO: Board of Mechanical Rules  
FROM: Tennison B Barry, Chief, Mechanical Division  
SUBJECT: Approval of Product

The items listed below have been reviewed by Mechanical Division staff.

The manufacturers, the products, and the recommendations of the Mechanical Division for approval or disapproval of the items for installation in the State of Michigan are as follows:

Manufacture: Omega Flex  
Product: Omega Flex Trac PS II  
Description: Flexible gas piping which incorporates an internally ribbed sleeve (conduit), and specially designed end fittings that provide vent capability at either end of a piping run in the event of a leak in the CSST.  
Test Results: CSA International / IAPMO  
Recommendation: Approval **not** recommended for installation in the State of Michigan for the following reason(s).

- 1 Product does not comply with section 404.11 of the 2006 International Fuel Gas Code for installation underground beneath buildings.

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 2, 2008

Mr. Joe McGinnis  
OmegaFlex, Inc.  
451 Creamery Way  
Exton, PA 29341-2509

Dear Mr. McGinnis:

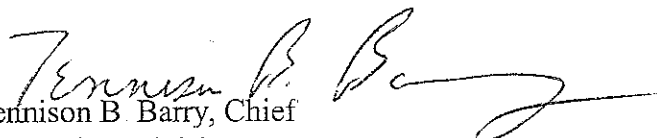
On September 17, 2008, the Board of Mechanical Rules will consider your application for Approval of a Product, TracPipe PS-II

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

  
Tammison B. Barry, Chief  
Mechanical Division

TBB/cct

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**Petition Application for Approval of Material, Product or Method**  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes  
P.O. Box 30255 Lansing, MI 48909  
www.michigan.gov/bcc

Tran Info:130 14207702-1 08/06/08  
Chk#: 170075 Amt: \$500.00  
ID: OMEGAFLEX INC  
Agency Use Only

Application Fee: \$500.00

Authority: 1972 PA 230  
Completion: Mandatory  
Penalty: Use of material, product or method will not be approved

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**PRODUCT INFORMATION**

NATURE OF APPLICATION

☒ Material ☐ Product ☐ Method of Manufacture or Construction ☐ Component

CODE UNDER WHICH APPROVAL IS SOUGHT

☐ Building (140) ☐ Electrical (115) ☒ Mechanical (130) ☐ Plumbing (98)

NAME OF MATERIAL, PRODUCT OR METHOD OF MANUFACTURE (Limit To One Item Per Application)

TracPipe PS-II

OTHER IDENTIFICATION (Model Number)

FGP-UGP-size

DESCRIPTION (Use Additional Sheets If Necessary)

See attachment: Description

INTENDED USE (Use Additional Sheets If Necessary)

TracPipe PS-II is a gas piping system suitable for above ground and underground use.

DATA SUBMITTED

☐ Letter ☒ Manual ☐ Standards ☐ Installation Instructions ☒ Display Catalog

Reports  
☐ ICC - NES  
☐ BOCA - NES  
☐ ICBO  
☐ SBCC  
☐ NRB  
☒ Other

☒ Product Sample or Model  
☒ Prior Approvals by Other Agencies  
☐ Recommendations by Model Code Bodies

LABORATORY TEST BY

CSA / IAPMO

PILOT SERVICE EXPERIENCE AND CONDITIONS (Use Additional Sheets If Necessary)

RESTRICTIONS FOR USE (Use Additional Sheets If Necessary)

Not for through wall penetrations. Does not meet ASTM E-84 requirements.

**APPLICANT** (Note: All correspondence will be sent to this address)

NAME OF COMPANY

OmegaFlex

APPLICANT NAME

Art Weirauch

ADDRESS

451 Creamery Way

CITY

Exton

STATE

PA

ZIP CODE

19341

TELEPHONE NUMBER (Include Area Code)

(610) 524-7272

APPLICANT SIGNATURE (Must be an original signature)

DATE

FAX NUMBER (Include Area Code)

(610) 524-9771



ISO 9001:2000



July 15, 2008

Michigan Department of Labor and Economic Growth  
Bureau of Construction Codes – Mechanical Division  
2501 Woodlake Circle  
Okemos, MI 48864

Ref: Petition Application for Product Approval  
OmegaFlex TracPipe PS-II Gas Piping

To whom it may concern,

Please find enclosed our application and fee requesting approval for our pre-sleeved Corrugated Stainless Steel Tubing (CSST) product – **TracPipe PS-II**. The TracPipe PS-II product has been designed, tested, and certified to meet all applicable requirements of the Michigan Mechanical and Plumbing Codes (International Fuel Gas Code (IFGC) 2006), specifically Section 404 of the IFGC 2006 including Section 404.11 for installation of gas piping underground beneath buildings.

In support of this product, please find the following enclosed items:

- TracPipe PS-II Product Brochure
- CSA International Certificate of Compliance No. 1082441 (112221) for product approval to the requirements of the ANSI LC1/CSA 6.26 standard as required by Section 403.5.4 of the International Fuel Gas Code (IFGC) 2006
- International Association of Plumbing and Mechanical Officials (IAPMO) Listing for TracPipe PS-II. This listing states that the product has been evaluated and found acceptable for use underground and underground beneath building per the requirements of the Uniform Plumbing Code (UPC) and National Fuel Gas Code – NFPA 54.
- IAPMO Test Report No. 596-04001 which details the testing performed to obtain the IAPMO listing.
- Maximum super-imposed load data calculations demonstrating product's ability to withstand superimposed loads of soil.

OMEGAFLEX, Inc., 451 Creamery Way, Exton, PA 19341-2509  
Voice: 800-671-8622 or 610-524-7272 • Fax: 610-524-7282 • [www.omegaflex.com](http://www.omegaflex.com)



- TracPipe Design Guide and Installation Instructions December 2007 – Ref. Section 4.9 – Underground Installations for TracPipe PS-II product information and Installation Instructions.

Please advise the date of the committee's meeting so that we may make arrangements to have a representative present for any questions.

If you have any questions on this matter, please feel free to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Joe McGinnis".

Joe McGinnis  
TracPipe FGP Commercial Project Engineer  
OmegaFlex, Inc  
451 Creamery Way  
Exton, PA 19341-2509  
Tel: 610-524-7272 ext 3031  
800-671-8622  
Fax: 610-524-7282  
joe.mcginis@omegaflex.net



ISO 9001:2000



***Description:***

***TracPipe PS-II*** is designed with our standard CSST tubing and incorporates an internally ribbed sleeve (conduit), and specially designed end fittings that provide vent capability at either end of a piping run in the event of a leak in the CSST. The venting capability fulfills code requirements for installations underground beneath buildings.

Pleune Service Co

750 Himes St. SE,

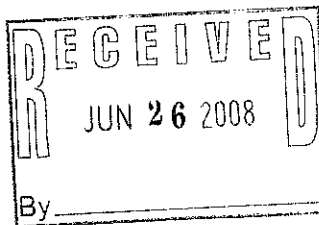
Grand Rapids, MI 49548

**FAX**Date: 6/26/08Number of pages including cover sheet: 2**To:**Kevin KalakayState of Michigan**Re:**Madison AcademyPhone:Fax phone: 517-241-9308CC:**From:**Sara BuettnerSales CoordinatorPhone: 243-6374Fax phone: 241-1757E-Mail: sbuettner@pleuneservice.com**REMARKS:**☐ Urgent☐ For your review☒ Reply ASAP☐ Please comment

Hi, Kevin –

Attached is information on TracPipe PS II for Madison Academy for your review.

Permit No. is: M361132.



**404.7 Above-ground outdoor piping.** All piping installed outdoors shall be elevated not less than  $3\frac{1}{2}$  inches (152 mm) above ground and where installed across roof surfaces, shall be elevated not less than  $3\frac{1}{2}$  inches (152 mm) above the roof surface. Piping installed above ground, outdoors, and installed across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material. Where piping is encased in a protective pipe sleeve, the annular space between the piping and the sleeve shall be sealed.

**404.8 Protection against corrosion.** Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Ferrous metal exposed in exterior locations shall be protected from corrosion in a manner satisfactory to the code official. Where dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

**404.8.1 Prohibited use.** Uncoated threaded or socket welded joints shall not be used in piping in contact with soil or where internal or external crevice corrosion is known to occur.

**404.8.2 Protective coatings and wrapping.** Pipe protective coatings and wrappings shall be approved for the application and shall be factory applied.

**Exception:** Where installed in accordance with the manufacturer's installation instructions, field application of coatings and wrappings shall be permitted for pipe nipples, fittings and locations where the factory coating or wrapping has been damaged or necessarily removed at joints.

**404.9 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade, except as provided for in Section 404.9.1.

**404.9.1 Individual outside appliances.** Individual lines to outside lights, grills or other appliances shall be installed a minimum of 8 inches (203 mm) below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

**404.10 Trenches.** The trench shall be graded so that the pipe has a firm, substantially continuous bearing on the bottom of the trench.

**404.11 Piping underground beneath buildings.** Piping installed underground beneath buildings is prohibited except where the piping is encased in a conduit of wrought iron, plastic pipe, or steel pipe designed to withstand the superimposed loads. Such conduit shall extend into an occupiable portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any gas leakage. Where the end sealing is capable of withstanding the full pressure of the gas pipe, the conduit shall be designed for the same pressure as the pipe. Such conduit shall extend not less than 4 inches (102 mm) outside the building, shall be vented

above grade to the outdoors, and shall be installed so as to prevent the entrance of water and insects. The conduit shall be protected from corrosion in accordance with Section 404.8.

**404.12 Outlet closures.** Gas outlets that do not connect to appliances shall be capped gas tight.

**Exception:** Listed and labeled flush-mounted-type quick-disconnect devices and listed and labeled gas convenience outlets shall be installed in accordance with the manufacturer's installation instructions.

**404.13 Location of outlets.** The unthreaded portion of piping outlets shall extend not less than 1 inch (25 mm) through finished ceilings and walls and where extending through floors or outdoor patios and slabs, shall not be less than 2 inches (51 mm) above them. The outlet fitting or piping shall be securely supported. Outlets shall not be placed behind doors. Outlets shall be located in the room or space where the appliance is installed.

**Exception:** Listed and labeled flush-mounted-type quick-disconnect devices and listed and labeled gas convenience outlets shall be installed in accordance with the manufacturer's installation instructions.

**404.14 Plastic pipe.** The installation of plastic pipe shall comply with Sections 404.14.1 through 404.14.3.

**404.14.1 Limitations.** Plastic pipe shall be installed outside underground only. Plastic pipe shall not be used within or under any building or slab or be operated at pressures greater than 100 psig (689 kPa) for natural gas or 30 psig (207 kPa) for LP-gas.

**Exceptions:**

1. Plastic pipe shall be permitted to terminate above ground outside of buildings where installed in premanufactured anodeless risers or service head adapter risers that are installed in accordance with the manufacturer's installation instructions.
2. Plastic pipe shall be permitted to terminate with a wall head adapter within buildings where the plastic pipe is inserted in a piping material for fuel gas use in buildings.

**404.14.2 Connections.** Connections made outside and underground between metallic and plastic piping shall be made only with transition fittings categorized as Category I in accordance with ASTM D 2513.

**404.14.3 Tracer.** A yellow insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire size shall not be less than 18 AWG and the insulation type shall be suitable for direct burial.

**404.15 Prohibited devices.** A device shall not be placed inside the piping or fittings that will reduce the cross-sectional area or otherwise obstruct the free flow of gas.

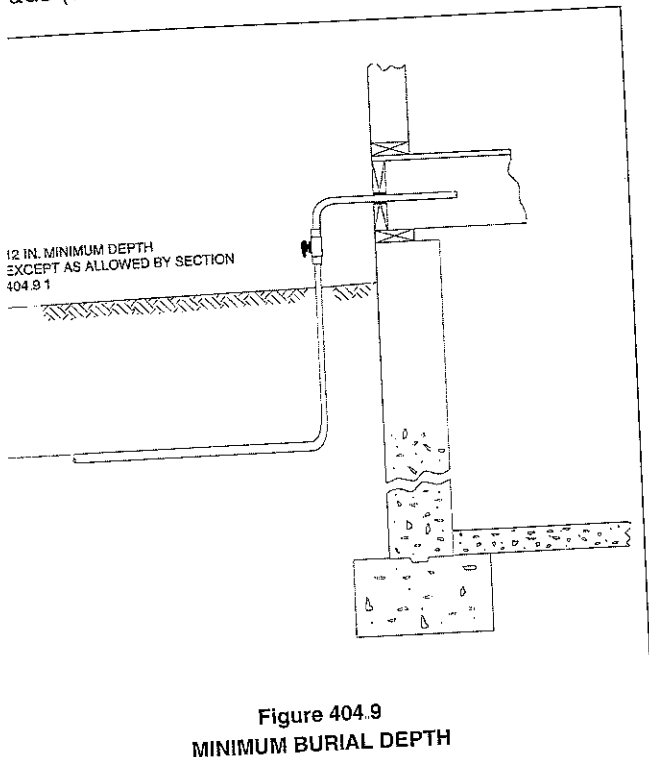
**Exception:** Approved gas filters.

**404.16 Testing of piping.** Before any system of piping is put in service or concealed, it shall be tested to ensure that it is gas

## PING INSTALLATIONS

**Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below finished grade, except as provided for in Section 404.9.1.

A depth of 12 inches (305 mm) is considered sufficient to avoid possible harm to the pipe from the use of hand tools such as spades and shovels. However, if the piping is located in an area subject to surface loads such as vehicular traffic, the 12-inch (305 mm) depth may not be sufficient to protect the piping from those loads (see commentary Figure 404.9).



**404.9.1 Individual outside appliances.** Individual lines to outdoor lights, grills or other appliances shall be installed a minimum of 8 inches (203 mm) below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

❖ Gas piping may be installed within 8 inches (203 mm) of the ground surface where it serves individual outdoor appliances and is not likely to be subjected to damage such as might occur from vehicular traffic, gardening, future excavation, etc. Each individual installation must be reviewed and approved by the code official. The intent is to allow shallow installations for small distribution lines that serve outdoor gas lights, cooking appliances, pool heaters and similar loads only where the piping is unlikely to be disturbed.

**404.10 Trenches.** The trench shall be graded so that the pipe has a firm, substantially continuous bearing on the bottom of the trench.

❖ Where trenches have nonuniform depth or peaks and valleys in the bottom, the piping could lack continuous

support and could be subjected to stresses from the backfill and surface loads.

**404.11 Piping underground beneath buildings.** Piping installed underground beneath buildings is prohibited except where the piping is encased in a conduit of wrought iron, plastic pipe, or steel pipe designed to withstand the superimposed loads. Such conduit shall extend into an occupiable portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any gas leakage. Where the end sealing is capable of withstanding the full pressure of the gas pipe, the conduit shall be designed for the same pressure as the pipe. Such conduit shall extend not less than 4 inches (102 mm) outside the building, shall be vented above grade to the outdoors, and shall be installed so as to prevent the entrance of water and insects. The conduit shall be protected from corrosion in accordance with Section 404.8.

❖ This section prohibits the installation of gas piping beneath buildings to reduce the potential for an inaccessible pipe failure caused by settling of the structure. The prohibition also reduces the potential for corrosion-caused failure of piping embedded in soil or fill. See Section 404.6 for gas pipe installations in floor slabs. Where underground installation under a building is unavoidable, the piping must be encased in another pipe to channel any leakage to the outdoors (see commentary Figure 404.11).

**404.12 Outlet closures.** Gas outlets that do not connect to appliances shall be capped gas tight.

**Exception:** Listed and labeled flush-mounted-type quick-disconnect devices and listed and labeled gas convenience outlets shall be installed in accordance with the manufacturer's installation instructions.

❖ Unused fuel gas outlets must be capped or plugged gas-tight, regardless of whether a shutoff valve is provided at the outlet. A closed valve alone is not dependable and poses an unnecessary risk of leakage. The exception recognizes that listed gas outlet devices are built with an inherent safety feature that will automatically shut off the gas flow if the mating connector is disengaged or that will not allow the appliance connector to be disengaged until the integral shutoff valve is manually closed.

**404.13 Location of outlets.** The unthreaded portion of piping outlets shall extend not less than 1 inch (25 mm) through finished ceilings and walls and where extending through floors or outdoor patios and slabs, shall not be less than 2 inches (51 mm) above them. The outlet fitting or piping shall be securely supported. Outlets shall not be placed behind doors. Outlets shall be located in the room or space where the appliance is installed.

**Exception:** Listed and labeled flush-mounted-type quick-disconnect devices and listed and labeled gas convenience outlets shall be installed in accordance with the manufacturer's installation instructions.

❖ This section regulates the location, installation and termination of gas piping system outlets to reduce the like-

FIGURE 404.11 - 404.14.1

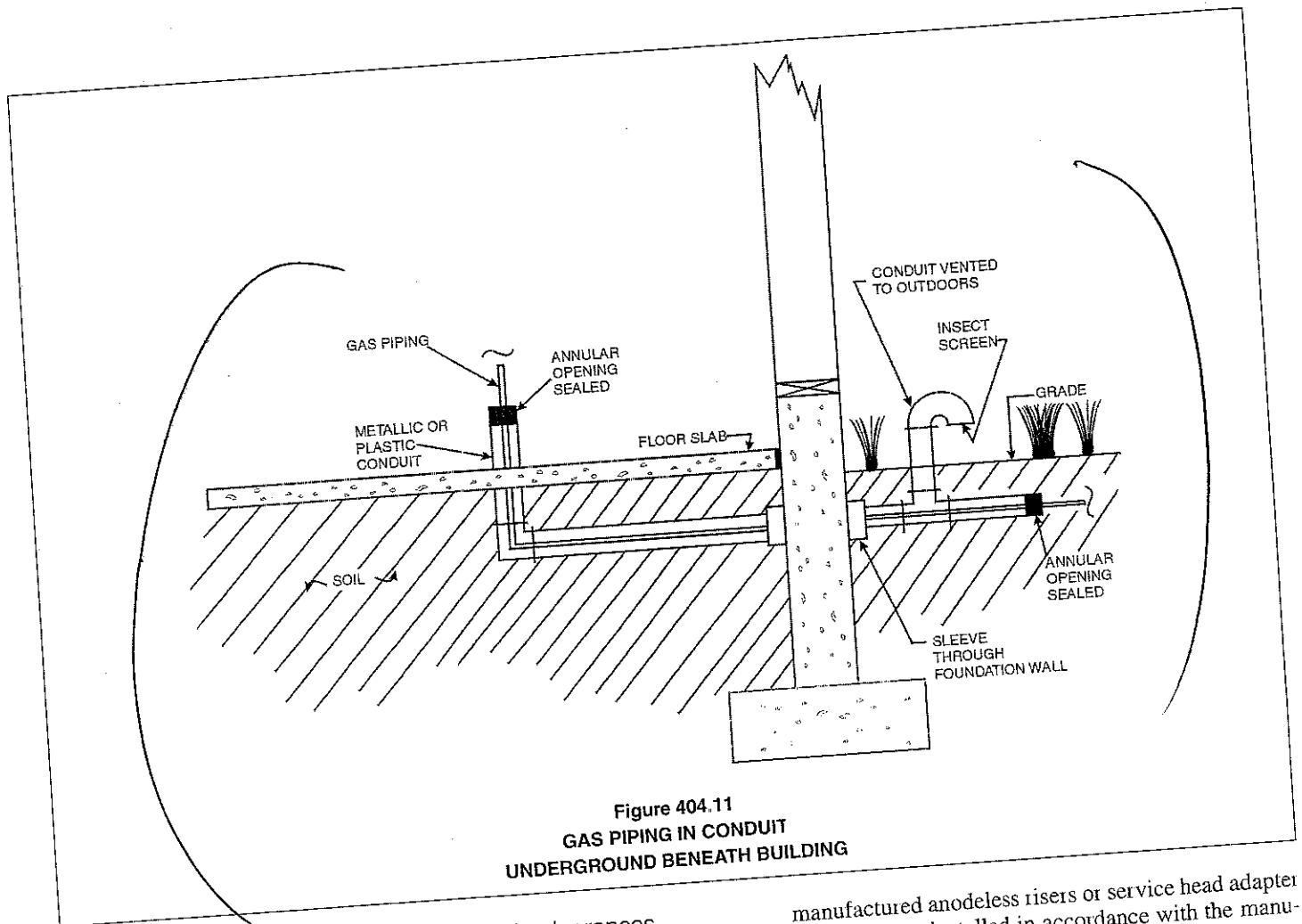


Figure 404.11  
GAS PIPING IN CONDUIT  
UNDERGROUND BENEATH BUILDING

likelihood of physical damage and to provide clearances for the use of tools. When making connections to piping outlets, "back-up" wrenches are used to prevent piping from rotating, loosening or being damaged. Sufficient pipe length is necessary to allow the application of tools. Gas outlet devices that have been tested and labeled for installation methods other than those addressed in this section must be installed in accordance with the terms of their testing and listing as contained in the manufacturer's installation instructions. Gas outlets for CSST systems must be installed with the termination fitting designed specifically for that purpose and provided by the CSST manufacturer.

**404.14 Plastic pipe.** The installation of plastic pipe shall comply with Sections 404.14.1 through 404.14.3

- ❖ This section places restrictions on the location and operating pressures for plastic pipe in addition to stating installation requirements specific to plastic pipe.

**404.14.1 Limitations.** Plastic pipe shall be installed underground only. Plastic pipe shall not be used within or under any building or slab or be operated at pressures greater than 100 psig (689 kPa) for natural gas or 30 psig (207 kPa) for LP-gas.

**Exceptions:**

1. Plastic pipe shall be permitted to terminate above ground outside of buildings where installed in pre-

manufactured anodeless risers or service head adapter risers that are installed in accordance with the manufacturer's installation instructions

2. Plastic pipe shall be permitted to terminate with a wall head adapter within buildings where the plastic pipe is inserted in a piping material for fuel gas use in buildings.

- ❖ Because of the potential hazard associated with the use of a material that has lower resistance to physical damage and heat as compared to metallic pipe, installation of plastic pipe and tubing is limited to areas that are both outside of the building and underground. Plastic pipe and tubing are widely used for underground gas distribution systems because of their ease of installation and inherent resistance to corrosion. Polyethylene (PE) pipe is the only allowable plastic pipe for use with LP-gas, and the code user is directed to the referenced standard, NFPA 58, which requires that PE piping materials comply with ASTM D 2513. The exception makes it clear that if an equivalent level of physical protection is installed, plastic pipe may terminate above ground outside of the building. It is common practice for gas utility companies to install pre-manufactured riser assemblies at their meter settings. Such risers typically consist of a steel pipe with a corrosion-resistant coating in which a length of PE pipe is pre-installed for coupling to the service lateral. A 90-degree (1.57 rad) sweep is

# DEFINITION OF PIPE

**Pipe.** A rigid conduit of iron, steel, copper, brass or plastic.

**Tubing.** Semirigid conduit of copper, aluminum, plastic or steel.

- ❖ Piping includes tubing and pipe used to convey fuel gases. See the definition for "Piping System."

**PIPING SYSTEM.** All fuel piping, valves and fittings from the outlet of the point of delivery to the outlets of the equipment shutoff valves.

- ❖ A piping system includes tubing, pipe, fittings, valves and line pressure regulators used to convey fuel gas from the point of delivery to the appliance. This definition was revised to state that the piping system ends at the outlets of the appliance shutoff valves. This revision allows the last 6 feet (1829 mm) or less of gas conduit between the shutoff valve and the appliance inlet connection to be sized as a connector (see Section 409.5 and the definition for "Point of delivery").

**PLASTIC, THERMOPLASTIC.** A plastic that is capable of being repeatedly softened by increase of temperature and hardened by decrease of temperature

- ❖ Polyvinyl chloride (PVC) is a type of thermoplastic.

**POINT OF DELIVERY.** For natural gas systems, the point of delivery is the outlet of the service meter assembly, or the outlet of the service regulator or service shutoff valve where a meter is not provided. Where a valve is provided at the outlet of the service meter assembly, such valve shall be considered to be downstream of the point of delivery. For undiluted liquefied petroleum gas systems, the point of delivery shall be considered the outlet of the first-stage pressure regulator that provides utilization pressure, exclusive of line gas regulators, in the system

- ❖ It is necessary to understand where the point of delivery begins with respect to fuel gas systems because that is the location where the enforcement of the *International Fuel Gas Code* begins. For LP applications, the point of delivery is the outlet of the second-stage regulator in low pressure systems or the first regulator that reduces pressure to 2 psi (13.8 kPa) or less in elevated pressure systems (see Figure 401.1). NFPA 58 regulates piping and components upstream of the second stage regulator. Any valve located on the outlet of the service meter assembly is considered part of the piping system under the scope of this code.

**PORTABLE FUEL CELL APPLIANCE.** A fuel cell generator of electricity, which is not fixed in place. A portable fuel cell appliance utilizes a cord and plug connection to a grid-isolated load and has an integral fuel supply

- ❖ As stated in Section 101.2.4, Item 19, the code does not regulate these appliances because they do not connect to a fuel piping system and are completely self-contained.

**PRESSURE DROP.** The loss in pressure due to friction or obstruction in pipes, valves, fittings, regulators and burners.

- ❖ The pressure in a fuel gas system is reduced as the gas flows in the system. This is caused by a loss of energy resulting from friction and turbulence. Fuel gas systems are designed so that the pressure drop does not result in the system pressure falling below the minimum pressure required for proper equipment operation.

**PRESSURE TEST.** An operation performed to verify the gas-tight integrity of gas piping following its installation or modification

- ❖ Installed piping systems are tested on the job site to verify that the system is free of leaks

**PURGE.** To free a gas conduit of air or gas, or a mixture of gas and air

- ❖ Piping systems are purged (flushed) to remove gaseous, liquid or solid contaminants that could be harmful to the piping contents, the piping system or the system components or that could create a fire or explosion hazard.

**QUICK-DISCONNECT DEVICE.** A hand-operated device that provides a means for connecting and disconnecting an appliance or an appliance connector to a gas supply and that is equipped with an automatic means to shut off the gas supply when the device is disconnected

- ❖ These devices are commonly installed with gas appliance connectors and used with commercial cooking appliances and other gas appliances that are routinely moved for cleaning or used in another location [see commentary Figure 202(16)].

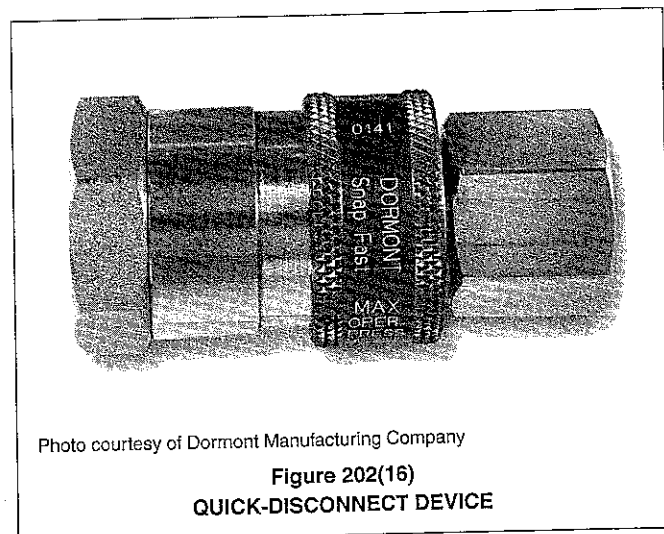


Photo courtesy of Dormont Manufacturing Company

Figure 202(16)  
QUICK-DISCONNECT DEVICE

**READY ACCESS (TO).** That which enables a device, appliance or equipment to be directly reached, without requiring the removal or movement of any panel, door or similar obstruction (see "Access").

## G. Underground and Under Building Slab Installations

### TracPipe PS

Model Number(s) - FGP-UG-375 FGP-UG-500 FGP-UG-750  
FGP-UG-100 FGP-UG-125 FGP-UG-150 FGP-UG-200

### TracPipe PS-II

Model Number(s) - FGP-UGP-375 FGP-UGP-500 FGP-UGP-750  
FGP-UGP-100 FGP-UGP-125 FGP-UGP-150 FGP-UGP-200

**G.1** TracPipe underground and under building slab installations shall be made using pre-sleeved TracPipePS (patented) or TracPipePS-II (patent pending) systems or other sleeve configurations meeting code requirements and acceptable to the local administrative authority.

**G.2 TracPipePS** shall consist of TracPipe CSST sleeved with polyethylene conduit covering all portions of the gas piping system located underground. Heat-shrink tubing with heat-activated adhesive shall be used to seal off the space between the gas pipe and the protective sleeve. Heat shrink sleeve shall be DSG-Canusa Type CFW with thermoplastic adhesive liner or equal.

**G.3 TracPipePS-II** shall consist of TracPipe CSST sleeved with a black integral polyethylene sleeve. The external polyethylene sleeve shall be designed to withstand the superimposed loads. The external protective sleeve shall have internal vent channels lengthwise to direct any leakage along the pipe to the TracPipePS-II fittings. Fittings shall consist of AutoFlare fittings with a plastic containment coupling and 1/4" NPT vent port, to seal off the space between the gas pipe and the protective sleeve.

**G.4** For gas piping under building slabs, Plumbing, Mechanical and Fuel Gas Code requirements shall be followed for encasement within a conduit and venting to the atmosphere. (The construction of TracPipe PS and TracPipe PS-II provide the encasement and venting capabilities required by the codes.)

**G.5** Flexible Poly Sleeve may be used. Part number FGP-UGFX-size is available for use with TracPipePS to facilitate 90-degree bends for the transition from below ground to above ground. Heat-shrink tubing and barbed couplings shall be used to make the transition from the polyethylene tubing to the flexible poly sleeve.

**G.6** Underground couplings (part number FGP-UGC-size) may be used with TracPipePS-II system to facilitate splices underground. All metallic parts of the fitting shall be wrapped in a code-approved manner (e.g. mastic used for wrapping metallic pipe).

### Superimposed Loading Chart

TracPipe PS/PS-II Size	3/8	1/2	3/4	1	1- 1/4	1-1/2	2
Max. Superimposed Loading <i>psf</i>	9640	7254	5409	4203	3390	2901	2124

Notes: 1. Super-imposed loading includes all dead load and live load combinations

2. Maximum buried depth of 36"; 3 Soil Density : 120 pcf; 4 Factor of safety used: 4.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 4, 2008

M-08-11

TO: Members of the Board of Mechanical Rules  
FROM: Tennison B. Barry, Chief, Mechanical Division  
SUBJECT: Good Moral Character

**APPLICANT REPRESENTATIVE:**

Robert Walker

**PROJECT:**

Not applicable.

**AUTHORITY:**

The Forbes Mechanical Contractors Act, 1984 PA 192 of the Michigan Compiled Laws.

**REQUEST:**

Applicant appeals denial of application for license examination. Application was denied based on good moral character.

**APPLICABLE RULE:**

R 338.903a. of the Board of Mechanical Rules License Examination Procedures

**RECOMMENDATION:**

Staff has no recommendation.

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[www.michigan.gov/dleg](http://www.michigan.gov/dleg)

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

September 2, 2008

Mr. Robert Walker  
145 Grove  
Highland Park, MI 48203

Dear Mr. Walker:

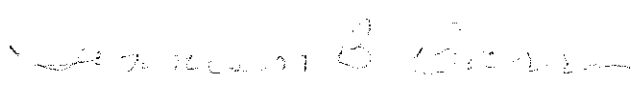
On September 17, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381 that was tabled at their meeting on July 16, 2008.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3. Also, you should plan to submit the documents requested at the previous Board Meeting.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

  
Tennison B. Barry, Chief  
Mechanical Division

TBB/cct

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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

July 21, 2008

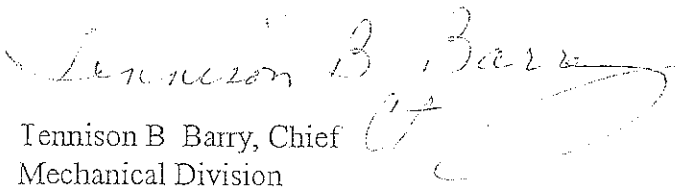
Mr. Robert Walker  
145 Grove  
Highland Park, MI 48203

Dear Mr. WALKER:

On July 16, 2008, the Board of Mechanical Rules tabled your appeal for Mechanical Contractor License examination pursuant to the Former Offenders Act, 1974 PA 381 to allow you to provide additional information. The Board will consider your appeal at their meeting on September 17, 2008.

If you have any questions, I can be reached at 517/241-9325.

Sincerely,

  
Tennison B. Barry, Chief  
Mechanical Division

TBB/cct

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

June 24, 2008

Mr. Robert Walker  
145 Grove  
Highland Park, MI 48203

Dear Mr. Walker:

On July 16, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381, as amended

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

Tennison B. Barry, Chief  
Mechanical Division

TBB/cct

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

April 30, 2008

Mr Robert Walker  
145 Grove  
Highland Park, MI 48203

Dear Mr Walker:

On May 14, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381, as amended.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

*Tennison B. Barry*  
Tennison B. Barry, Chief  
Mechanical Division

IBB/cct

*Providing for Michigan's Safety in the Built Environment*

BUREAU OF CONSTRUCTION CODES  
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**STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF CONSTRUCTION CODES**

In The Matter Of:

Mr. Robert F. Walker  
145 Grove  
Highland Park, Michigan 48203

---

**NOTICE OF DENIAL OF AN APPLICATION FOR  
MECHANICAL CONTRACTOR'S EXAMINATION/LICENSE**

---

NOTICE is herewith given that the Michigan Department of Labor & Economic Growth, (hereafter "Department"), Bureau of Construction Codes, pursuant to the Act relating to Former Offenders, 1974 PA 381, as amended, MCL 338 41 et seq; MSA 18.1208(1) et seq (hereafter the Act), has determined that the Applicant is unqualified for the examination or license for the mechanical contractor requested for lack of good moral character within the meaning of the Act. Accordingly, the APPLICATION FOR EXAMINATION/LICENSURE OF MECHANICAL CONTRACTOR IS HEREBY DENIED. The basis for this decision is as follows:

1. Certified copies of the complaint from Grant County Superior Court, Marion, Indiana, Cause No. 27D02-9203-CF-13 establish that Applicant plead guilty to one count Felony, Dealing in Cocaine, IC35 48-4-1 on September 11, 1992. He was sentenced to 10 years prison – 6 years suspended, 6 years probation and \$113 costs.
2. Certified copies of the complaint from 3<sup>rd</sup> Circuit Court, Detroit, Michigan, docket No. 96-1315 establish that Applicant plead guilty to one count Felony,

Possession of Cocaine < 25 grams, MCL 333.74032aV on March 19, 1996.

He was fined \$240.00 and placed on probation for 2 years.

3. Certified copies of the complaint from 30<sup>th</sup> District Court, Highland Park, Michigan, docket No 0600741CM establish that Applicant plead guilty to one count misdemeanor, Disorderly, Ordinance #666 05G on November 1, 2006. He was fined \$414.00, and placed on probation for 6 months.

YOU ARE HEREBY NOTIFIED that in the event you have relevant evidence of qualification not previously considered by the Department, you may, within thirty (30) days of the date of mailing of this "NOTICE OF DENIAL", file a written appeal with the Department setting forth those reasons why the examination/license should be granted. Said appeal may rebut the evidence set forth in paragraph(s) No. 1 to 3 above by showing that at the current time the applicant has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that the applicant has been rehabilitated, or that the substance(s) of the former offense(s) is/are not reasonably related to the practice of the mechanical contractor. Said appeal may be accompanied by a brief summary of the incident(s) which led to the conviction(s) and the factors surrounding the incident(s); business/personal references; a report from the applicant's rehabilitation specialist, if any, indicating the possibility of similar future incidents; a current report from the applicant's parole/probation officer, if pertinent; etc.

IF SUCH AN APPEAL IS TIMELY FILED, the Bureau of Construction Codes will consider the application in view of the reasons set forth in the appeal.

IT IS IMPORTANT THAT THE PETITION COMPLETELY DETAIL THE REASONS WHY THE APPLICANT SHOULD BE GRANTED AN EXAMINATION/LICENSE FOR MECHANICAL CONTRACTOR

YOU MAY WISH TO APPEAR BEFORE THE BOARD WHEN YOUR APPEAL IS CONSIDERED. YOU MAY ALSO, AT YOUR OWN EXPENSE, BE REPRESENTED BY COUNSEL AT THE APPEAL.

UPON COMPLETION OF THE BOARD'S REVIEW, THE APPLICANT SHALL BE NOTIFIED OF THE DECISION IN WRITING.

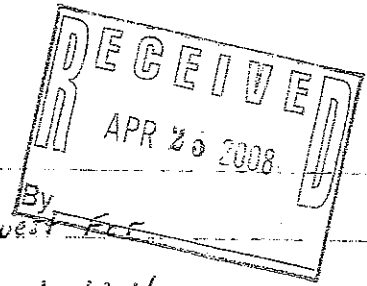
The instant denial of an examination or license for lack of good moral character shall not operate as a bar to denial of said application for other reasons if it should be subsequently determined that the applicant is otherwise unqualified. YOU ARE HEREBY NOTIFIED that in the event the Department determines that the applicant is unqualified for reasons other than lack of good moral character, the applicant will be notified by way of separate and different NOTICE OF DENIAL.

By: Tennison B. Barry  
Tennison B. Barry Chief  
Mechanical Division

DATED: 3-26-08

Written Appeal to the Board Should be Addressed To:

Department of Labor & Economic Growth  
Bureau of Construction Codes  
Mechanical Division  
P O Box 30254  
Lansing, Michigan 48909



Dear Mechanical Board

I recieved your denial of my request for mechanical Licensed Examination Test. With Great disappointment I Felt but with even more respect I understand. We are responsible For not only equipment that can be dangerous To Life, but we are engaged in peoples and their Families safe zone, their home and personal belongings. The moral Contract Act was in my opinion to ensure that the people that are Licensed To enter people homes and businesses are Trustworthy, honest, respectful, safe, and Peaceful. Not The opposite. People expect professionals people To service their equipment, not "harden criminals". I'm not one of them cases.

I made mistakes as far back as I remember of the age of 14 yrs old regarding The criminal system. I never was a Thief, murderer, rapist, or any violent crime. I did sell drugs. A mistake I regret To this very day. It wasn't For the money, but just trying To fit in with the "Cool Guys". I never was the most popular guy. I eventually became a victim of the "Drug Game". I Battled with the help of the Dept of Corrections and I have been For the most part Felony Free For 12 Years.

I have been making the necessary steps  
To ensure myself and Family and Friends and  
Community that I will not ever again destroy  
our country with Drugs. For 12 Years I have  
been a productive member of society. I  
have maintained Employment when possible.  
I Furthered my education. I became a God  
Fearing Man. I'm drug free. Most of All I  
believe I show my community (Younger gen-  
eration) a positive image Now.

I believe Integrity is the most important  
ingredient to success. I built on my integrity  
with opportunities I had. Like being opening  
manager of Mc Donalds, where I was responsible  
for the cash, employees, stock, switching of grill  
Temps (From breakfast To Lunch) for proper Food prep-  
aration and shift operation. I was also the head  
baker a Tim hortons, being responsible for all  
The morning bake goods with no supervision at  
All.

I then believed in order To become The  
man I know I can be I enrolled in school.  
At First I thought I couldn't do it, but I  
summed up the <sup>strength</sup> ~~knowledge~~ and became a 4.0  
GPA student.

Upon graduation of school I moved  
To Atlanta, Ga. where I maintained Two Jobs  
while seeking a position in the heating &  
cooling field. I landed a job at a company  
called "Encompass", a Commercial heating  
cooling company, where I gained some experience,  
before I was terminated For disregarding com-  
pany Policy. I moved back to michigan and  
gained Employment at "Downriver comfort sales".  
My experience was taught there and very well  
I must Add. The Company went through changes  
in ownership and now is known as "DLS".  
I'm no longer employed there because of in-  
consistency of work. I then worked with com-  
panies like Applied Comfort, wk, and J & B  
state wide on a when need basis, but I  
still was furthering my experience (Also <sup>consumers energy</sup> DTE-sub work)

I appealing this denial because I  
believe you have made a mistake. I have  
been in some of the most high end homes  
through out wayne and oakland county, with  
no complaints about my professional Integrity.  
I have worked on most of the high end heating  
& cooling equipment. I never been convicted  
of a violent crime. I never was a BAD  
reflection on none of the companies I worked  
for

I believe if you give me a chance I will make the state of michigan a proud state To know that "Robert Fitzgerald Walker" is a changed man, I will not let you down. I will uphold The Code, I will Treat people as people trusting in this state government. I will Teach & Train my employees in a strickly Professional manner. No Drug use. I will not waiver From doing right. I will be fair. I will be safe. I will be honest. I will be nice. I will not lie. I will Further and stay educated in my Field. I will Follow state & Federal Laws regarding The safety Act, mechanical Act, and building code. I will do what is requested of me by my code officials. THANK you For being open To my request. hope To hear Good news soon

Kurt milner  
Downriver Comfort Sales (contracting for DTE,  
How Known as Consumers Energy)  
DSS  
24680 Eureka rd  
Taylor, mi

LOUIS TRUHY

Robert Fitzgerald Walker

Corey Ivey  
Applied Comfort

WK heating & cooling

McC Donalds

7 mile & woodward

Former owner Robert chappel

Baker Exch. Lave  
J & B State wide

Tim hofens



**Main Office**  
613 Abbott Street  
Detroit, MI 48226  
313 967 5555 ph  
313 962 0747 fx

**Client Service Center**  
1240 Third Street  
Detroit, MI 48226  
313 967 5800 ph  
313 962 0290 fx

**Oakland County**  
Oakland Towne Center  
28 North Saginaw Street  
Suite 510  
Pontiac, MI 48342  
248 253 1548 ph  
248 253 7240 fx

**Macomb County**  
Robert A. Verkuilen Building  
21885 Dunham Road  
Suite 4  
Clinton Township, MI 48036  
586 465 1344 ph  
586 465 1932 fx

**Flint**  
653 South Saginaw  
Suite 105  
Flint, MI 48502  
810 232 3600 ph  
810 232 9434 fx

**Deierdre L. Weir**  
*Executive Director & CEO*

**Joan Glanton Howard**  
*Chief Counsel*  
*Civil Law Group*

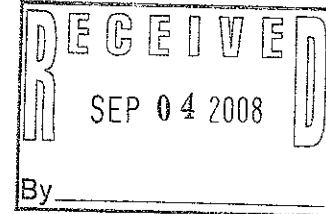
**Miriam L. Siefer**  
*Chief Defender*  
*Federal Defender Office*  
*Criminal Law Group*

**Donald L. Johnson**  
*Chief Defender*  
*State Defender Office*  
*Criminal Law Group*

**Regina Daniels-Thomas**  
*Chief Counsel*  
*Juvenile Law Group*

September 2, 2008

Board of Mechanical Rules  
Department of Labor & Economic Growth  
State of Michigan  
PO Box 30254  
Lansing, MI 48909



RE: Potential Licensee Robert Walker

Dear Board:

I send you this letter in support of Robert Walker who is before you for licensing. In a sentence, Mr. Walker is exemplary in attitude and workmanship. Since 2005, Mr. Walker is the only person I contact for HVAC matters in my homes. He is always punctual, always thorough in his examination of the boiler system, and explains the issues so clearly that I always feel confident that he is a highly skilled professional.

I recommend Mr. Walker to all of my friends and colleagues and have never had a negative comment but always praise and appreciation to have met him. Mr. Walker has totally redeemed himself from the wrong turn during his youth. I am completely confident in his trustworthiness as a person and a craftsman. Should you have any questions, I can be reached at (248) 253-1548, ext. 4000.

Sincerely,

  
Alicia J. Skillman, Esq.  
Director, Fair Housing Center

# MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH

## Schedule of Meetings/Hearings

2009

<b>Bureau/Commission/Office:</b> Bureau of Construction Codes	
<b>Board/Council/Commission:</b> Board of Mechanical Rules	
<b>Address:</b> 2501 Woodlake Circle	<b>Telephone:</b> (517) 241-9325
<b>City:</b> Okemos	<b>Michigan Zip Code:</b> 48864
<b>Contact Person:</b> Claudia Tenny	<b>Date:</b> August 14, 2008

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Claudia Tenny at 517/241-9325 at least 10 work days before the event. DLEG is an equal opportunity employer/program. The Division on Deafness will provide assistance in locating assistive listening devices or interpreters, with advance notice, at (517) 373-1837



<b>x</b>	<b>Regular Meeting</b>	<b>Special Meeting</b>	<b>Rescheduled Meeting</b>
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<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
01-21-09	9:00 am	Conference Room No. 3, Okemos Building; Okemos, MI
03-18-09	9:00 am	Conference Room No. 3, Okemos Building; Okemos, MI
05-20-09	9:00 am	Conference Room No. 3, Okemos Building; Okemos, MI
07-15-09	9:00 am	Conference Room No. 3, Okemos Building; Okemos, MI
09-16-09	9:00 am	Conference Room No. 3, Okemos Building; Okemos, MI
11-11-09	9:00 am	Conference Room No. 3, Okemos Building; Okemos, MI

The above is provided pursuant to Sections 4 and 5 of Act 267 of Public Acts of 1976, being Sections 15 264 and 15 265 of the Michigan Compiled Laws.